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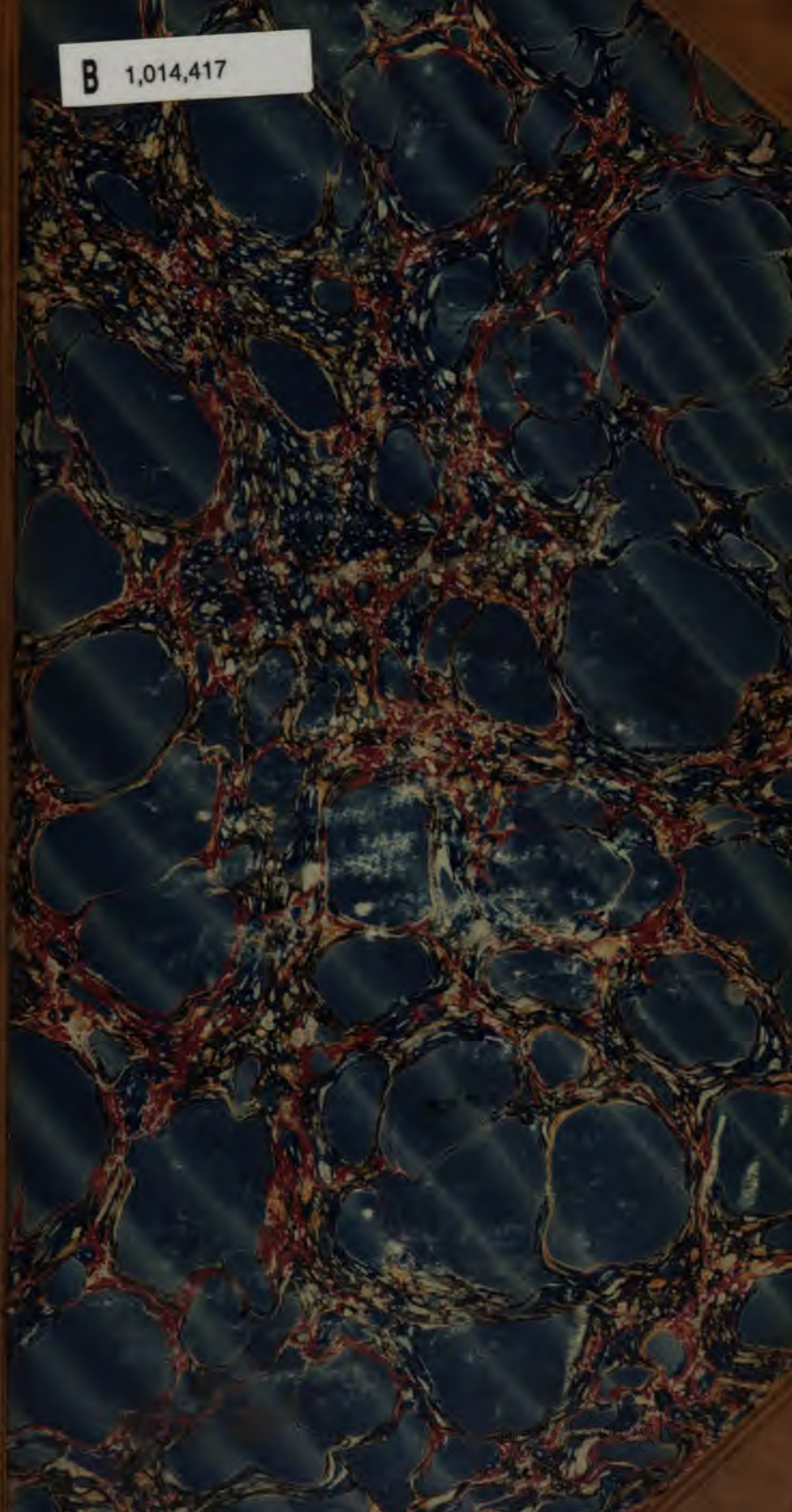
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**HANSARD'S  
PARLIAMENTARY DEBATES,**

**THIRD SERIES:**

**COMMENCING WITH THE ACCESSION OF**

**WILLIAM IV.**

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**36° & 37° VICTORIÆ, 1873.**

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**VOL. CCXVI.**

**COMPRISING THE PERIOD FROM**

**THE SIXTEENTH DAY OF MAY 1873,**

**TO**

**THE SEVENTH DAY OF JULY 1873.**

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***Third Volume of the Session.***

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**LONDON:**

**PUBLISHED BY CORNELIUS BUCK,**

**AT THE OFFICE FOR "HANSARD'S PARLIAMENTARY DEBATES,**

**23, PATERNOSTER ROW. [E.C.]**

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**1873.**

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LONDON: CORNELIUS BUCK, 23, PATERNOSTER ROW, E.C.

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## Endowed Schools Act (1869) Amendment Bill—Ordered (*Mr. William Edward Forster, Mr. Secretary Bruce*); *presented*, and read the first time [Bill 207] .. 1465

## LORDS, FRIDAY, JUNE 27.

### ORDER OF MERIT—MOTION FOR AN ADDRESS—

- Moved* that an humble Address be presented to Her Majesty, praying that Her Majesty would be pleased to take into her gracious consideration the institution of an Order of Merit by which Her Majesty would be enabled to bestow a sign of her royal approbation upon men who have deserved well of their country in science, literature, and art,—(*The Earl Stanhope*) .. 1466  
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### ARMY RE-ORGANIZATION—MILITARY DEPÔT AT OXFORD—ADDRESS FOR CORRESPONDENCE—

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## SUPPLY—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART.

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## Juries Bill [Bill 35]—

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SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"

## CHURCH RATES (SCOTLAND)—RESOLUTION—

- Moved*, "That the levying of local rates and assessments on lands and houses for the erection and repair of Churches and Mansees in Scotland, for the supposed benefit of a minority of the population, is unjust in principle, and the cause of great dissatisfaction amongst the people; and looking to the hopes held out by the Government on the subject, this House is of opinion that a Bill should be introduced by the Government during the present Session of Parliament, to remove the existing grievance,"—(*Mr. M'Laren*) .. .. 1522

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<b>Tithe Commutation Acts Amendment Bill (No. 171)—</b>	
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<i>Moved</i> , "That the Debate be now adjourned,"—( <i>Mr. Robert Fowler</i> :) —Question put:—The House divided; Ayes 142, Noes 218; Majority 76.	
Original Question put, and agreed to:—Bill read a second time, and committed for Thursday.	
The House suspended its sitting at a quarter to Seven of the clock.	
The House resumed its Sitting at Nine of the clock.	

## PEPPER DRAINAGE—RESOLUTION—

<i>Moved</i> , "That it is inexpedient that any such further rate should be raised in the present unsatisfactory state of the works, and whilst the uncertainty still exists of obtaining a sufficient water supply to justify their expenditure of such a large sum of money,"—( <i>Sir Henry Selwin-Ibbetson</i> )	1643
[House counted out.]	

## LORDS, WEDNESDAY, JULY 2.

Their Lordships met for the despatch of Judicial Business only.

## COMMONS, WEDNESDAY, JULY 2.

Real Estate Settlements Bill [Bill 38]— Order for Second Reading read	1643
<i>Moved</i> , "That the Order be discharged,"—( <i>Mr. William Fowler</i> .)	
Motion agreed to:—Order discharged:—Bill withdrawn.	
Landlord and Tenant Bill [Bill 56]— Order for Second Reading read	1644
<i>Moved</i> , "That the Order be discharged,"—( <i>Mr. Clare Read</i> .)	
After short debate, Motion agreed to:—Order discharged:—Bill withdrawn.	
Monastic and Conventual Institutions Bill [Bill 62]— <i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. Newdegate</i> )	1650
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—( <i>Mr. Pease</i> .)	
Question proposed, "That the word 'now' stand part of the Question :" —After debate, Question put:—The House divided; Ayes 96, Noes 131; Majority 35.	
Words added:—Main Question, as amended, put, and agreed to:—Bill put off for three months.	

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LORDS, THURSDAY, JULY 3.	Page
<b>Conveyancing (Scotland) Bill (No. 141)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Lord Chancellor</i> )	.. 1685
After debate, Motion <i>agreed to</i> :—Bill read 2 <sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday the 15 <sup>th</sup> instant.	
<b>SOUTH SEA ISLANDERS</b> —Question, Observations, The Earl of Belmore; Reply, The Earl of Kimberley	.. 1693
<b>THE MARRIAGE LAWS</b> —Question, Observations, Lord Chelmsford; Reply, The Lord Chancellor	.. 1698
<b>INDIA</b> —THE BANDA AND KIRWEE PRIZE MONEY—Question, The Earl of Derby; Answer, The Duke of Argyll:—Short debate thereon	.. 1702
<b>COMMONS, THURSDAY, JULY 3.</b>	
<b>POOR LAW</b> —LABOURERS' UNIONS—Question, Lord Edmond Fitzmaurice; Answer, Mr. Stansfeld	.. 1705
<b>LABOURERS' DWELLINGS (IRELAND)</b> —Question, Mr. Bruen; Answer, The Marquess of Hartington	.. 1705
<b>POST OFFICE PACKET VOTE</b> —CLAIM OF MR. CHURCHWARD—Question, Mr. Bowring; Answer, The Attorney General	.. 1706
<b>ARMY RE-ORGANIZATION</b> —DEPÔT CENTRES—LINCOLN—GRANTHAM—Question, Mr. Welby; Answer, Mr. Cardwell	.. 1706
<b>PRIVILEGE</b> —PUBLIC PETITIONS COMMITTEE—INFORMAL PETITIONS—Question, Colonel North; Answer, Mr. Gladstone	.. 1707
<b>THE ORDNANCE SURVEY</b> —SUTHERLANDSHIRE—Question, Mr. Brogden; Answer, Mr. Ayrton	.. 1708
<b>COURT OF PROBATE</b> —DISTRICT REGISTRY CLERKS—Questions, Viscount Mahon; Answers, The Chancellor of the Exchequer	.. 1708
<b>ARMY</b> —HONORARY COLONELS OF CAVALRY REGIMENTS—Question, Sir Lawrence Palk; Answer, Mr. Cardwell	.. 1709
<b>ELEMENTARY EDUCATION ACT</b> —SCHOOL FEES OF PAUPER CHILDREN—Question, Sir Michael Hicks-Beach; Answer, Mr. Stansfeld	.. 1709
<b>TURKEY AND GREECE</b> —BRIGANDAGE—Question, Mr. Ion Hamilton; Answer, Viscount Enfield	.. 1710
<b>TRIGNMOUTH AND DAWLISH TURNPIKE TRUST</b> —Question, Sir Stafford Northcote; Answer, Lord George Cavendish	.. 1710
<b>UNION RATING (IRELAND) BILL</b> —Question, Mr. Bruen; Answer, Mr. M'Mahon	.. 1711
<b>IRELAND</b> —NATIONAL EDUCATION COMMISSIONERS—THE CALLAN SCHOOLS—DISMISSAL OF REV. ROBERT O'KEEFFE—Question, Mr. Bouverie; Answer, Mr. Gladstone	.. 1711
<b>Supreme Court of Judicature Bill (Lords) [Bill 154]—</b>	
Bill <i>considered</i> in Committee [ <i>Progress 1st July</i> ]	.. 1712
After long time spent therein, Committee report Progress; to sit again To-morrow, at Two of the clock.	
<b>Turnpike Acts Continuance, &amp;c. Bill [Bill 199]—</b>	
Order for Committee read:— <i>Moved</i> , "That it be an Instruction to the Committee to make provision for rendering compulsory in England and Wales the Highway Acts 1862 and 1864,"—( <i>Lord George Cavendish</i> )	.. 1756
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—( <i>Colonel Barttelot</i> ):—Motion <i>agreed to</i> :—Debate adjourned till Monday next.	
<b>Extradition Act (1870) Amendment Bill—Ordered (Mr. Attorney General, Mr. Solicitor General); presented, and read the first time [Bill 220]</b>	.. 1758



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## LORDS, FRIDAY, JULY 4.

Page

### JUDICIAL PEERAGES—MOTION FOR AN ADDRESS—

*Moved* that an humble Address be presented to Her Majesty, praying that for the advantage of this House and of the suitors thereto, and for the honour of the legal profession, Her Majesty will be pleased to sanction the erection of the offices of Lord High Chancellor, Lord Chief Justice of the Queen's Bench, Lord Chief Justice of the Common Pleas, and Lord Chief Baron of the Exchequer of England into Baronies which shall entitle the holders of those offices to writs of summons to Parliament by tenure thereof under such titles as Her Majesty shall in each case be pleased to summon them; and that such writs of summons as aforesaid shall make the persons receiving the same, although they may not continue to hold the said offices, Peers of Parliament for life, without remainder to the heirs of their bodies; and that in the event of Her Majesty being pleased at any time after such writ shall have been issued to create the person sitting under the same a baron by patent under the same title, with remainder to the heirs male of his body, the barony so created may, if Her Majesty shall be so pleased, take precedence from the date of the first writ of summons directed to such person.—(*The Lord Redesdale*) .. .. 1758

### Previous Question *moved* (*The Lord Cairns*.)

After debate, a Question being stated thereupon, the Previous Question was put, "Whether the said Question shall be now put?" *resolved in the negative*.

ALKALI ACT (1863)—PETITION FOR AMENDMENT—Observations, Lord Ravensworth; Reply, The Marquess of Ripon:—Short debate thereon 1776

### SCOTCH AND IRISH PEERAGE—MOTION FOR AN ADDRESS—

*Moved*, "That an humble Address be presented to Her Majesty for, Returns of the present state of the Irish and Scotch Peerage, showing what Peerages have become extinct since the union of those countries with England, and what extinct Peerages are now represented by inferior titles; the number of Scotch and Irish Peers without seats in Parliament; and the roll of English, United Kingdom, Scotch, and Irish Peerages at the respective dates of union, and at the present time; also, the number of Irish Peerages created since the Union, and the number of British Peerages conferred on Irish and Scotch Peers, and the years in which they were granted,"—(*The Lord Inchiquin*) 1779

*Motion agreed to.*

### Law Agents (Scotland) Bill (No. 163)—

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Lord Chancellor*) .. 1780

After short debate, *Motion agreed to*:—Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Friday* next.

## COMMONS, FRIDAY, JULY 4.

CONVENTUAL AND MONASTIC INSTITUTIONS BILL—Personal Explanation, Mr. Whalley .. .. 1783

FRANCE—TREATY OF COMMERCE, 1872—Question, Mr. Miall; Answer, Viscount Enfield .. .. 1783

CRIMINAL LAW—THE CHIPPING NORTON MAGISTRATES—Questions, Sir George Jenkinson, Mr. Cobbett, Mr. Bowring; Answers, Mr. Bruce .. 1784

BOSNIA—ALLEGED OUTBREAK OF MOSLEM FANATICISM—Question, Mr. A. Johnston; Answer, Viscount Enfield .. .. 1786

### Supreme Court of Judicature Bill (*Lords*) [Bill 154]—

Bill considered in Committee [*Progress 3rd July*] .. .. 1787

After some time spent therein, Committee report Progress; to sit again upon *Monday* next.

And it being now five minutes to Seven of the clock, the House suspended its Sitting

House resumed its Sitting at Nine of the clock.

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[July 4.]

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**SUPPLY**—Order for Committee read; Motion made, and Question proposed,  
“That Mr. Speaker do now leave the Chair:”—

## CASE OF THE IRISH CIVIL SERVANTS—RESOLUTION—

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the ‘Civil Service (in Ireland) Commissioners’ having reported that the dissatisfaction on the ground of ‘the general inadequacy of the present scale of salaries, having regard to the great increase which has taken place in latter years in the cost of living,’ is well founded; and that ‘there is no reason, based on local considerations, for giving salaries to Civil Servants stationed in Dublin less in amount than those assigned to persons in London performing analogous duties,’ this House is of opinion that such general inadequacy of the present scale of salaries of the Civil Servants serving in Ireland should as soon as possible be redressed, and that they should be placed upon an equality as to remuneration with those performing duties in England corresponding in difficulty and responsibility,”  
—(*Mr. Plunket*),—instead thereof .. 1805

Question proposed, “That the words proposed to be left out stand part of the Question.”

After debate, Question put:—The House *divided*; Ayes 117, Noes 130; Majority 13.

Words *added*:—Main Question, as amended, put, and *agreed to*.

Division List, Ayes and Noes .. 1829

## Entailed and Settled Estates (Scotland) Bill [Bill 130]—

Order for Committee read:—*Moved*, “That Mr. Speaker do now leave the Chair,”—(*The Lord Advocate*) .. 1831

After short debate, *Moved*, “That the Debate be now adjourned,”—(*Sir John Hay*):—Question put:—The House *divided*; Ayes 20, Noes 65; Majority 45.

Question again proposed, “That Mr. Speaker do now leave the Chair.”

*Moved*, “That this House do now adjourn,”—(*Mr. James Lowther*):—Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*:—Bill *considered* in Committee.

Committee report Progress; to sit again upon *Thursday* next.

**Revising Barristers Bill**—Ordered (*Mr. Charley, Mr. Holker*); *presented*, and read the first time [Bill 221] .. 1834

## LORDS, MONDAY, JULY 7.

**ARMY**—THE EDUCATION OF OFFICERS—Question, Observations, Lord De L'Isle and Dudley; Reply, The Marquess of Lansdowne:—Short debate thereon .. 1835

**ROYAL MILITARY ACADEMY, WOOLWICH**—EXAMINATIONS—Observations, Lord De Ros; Reply, The Marquess of Lansdowne .. 1839

## Agricultural Children Bill (No. 185)—

Bill read 3<sup>a</sup> (according to Order) with the Amendments .. 1842

Further Amendments made:—Bill *passed*, and sent to the Commons.

## ARMY—MILITIA RESERVE—MOTION FOR AN ADDRESS—

*Moved*, “That an humble Address be presented to Her Majesty, praying that the conditions under which militiamen were induced to enrol in the Militia Reserve Force during the years 1868, 1869, 1870, 1871, and 1872 may not be annulled retrospectively, as proposed by paragraph 1, clause 38, of the Auxiliary and Reserve Forces Circular, dated War Office, 21st April 1873, but that the operation of this clause shall commence only from the date of its issue,”—(*The Earl of Galloway*) .. 1843

After short debate, Motion (by leave of the House) *withdrawn*.

## Prevention of Frauds on Charitable Funds Bill (No. 122)—

*Moved*, “That the Bill be now read 2<sup>a</sup>,”—(*The Earl of Shaftesbury*) .. 1847

After short debate, Motion and Bill (by leave of the House) *withdrawn*.

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## COMMONS, MONDAY, JULY 7.

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CHURCH DISCIPLINE—LETTERS OF THE PRIMATES—Questions, Viscount Sandon, Mr. Whalley; Answers, Mr. Gladstone ..	1851
ARMY—AUXILIARY FORCES—THE MILITIA—Question, Colonel Corbett; Answer, Mr. Cardwell ..	1854
THE CHOLERA—Question, Mr. Dent; Answer, Mr. Stansfeld ..	1854
ARMY—ARTILLERY—CONVERSION OF CAST-IRON GUNS—Question, Mr. Osborne; Answer Sir Henry Storks ..	1854
THE CIVIL SERVICE—NEW APPOINTMENTS—Question, Mr. White; Answer, Mr. Gladstone ..	1855
SUNDAY TRADING PROSECUTIONS—SUNDAY OBSERVATION AMENDMENT ACT, 1872—Question, Mr. P. A. Taylor; Answer, Mr. Bruce ..	1856
PUBLIC HEALTH ACT, 1872—HEALTH OF THE PORT OF LONDON—Question, Mr. Cadogan; Answer, Mr. Stansfeld ..	1858
PARLIAMENT—PUBLIC BUSINESS—BILLS WITHDRAWN—Question, Mr. Anderson; Answer, Mr. Gladstone:—Short debate thereon ..	1858
MERCHANT SHIPPING ACT, 1872—THE THAMES PILOTS—Question, Colonel Beresford; Answer, Mr. Chichester Fortescue ..	1860
SCOTLAND—SHERIFF SUBSTITUTES (SCOTLAND) SALARIES—Question, Sir David Wedderburn; Answer, The Chancellor of the Exchequer ..	1862
BALLOT ACT—UNIVERSITY ELECTIONS—Question, Mr. Hardcastle; Answer, Mr. W. E. Forster ..	1862
SANITARY STATUTES (IRELAND)—Question, Mr. Bruen; Answer, The Marquess of Hartington ..	1862
FRANCE—THE COMMERCIAL TREATY—Question, Mr. Brocklehurst; Answer, Viscount Enfield ..	1863
EDUCATION—REPORT OF THE COMMITTEE OF COUNCIL—Question, Sir Charles Adderley; Answer, Mr. W. E. Forster ..	1863
INDIA—THE 28TH REGIMENT—THE INDIAN MUTINY MEDAL—Question, Sir Patrick O'Brien; Answer, Mr. Grant Duff ..	1864
SCOTLAND—CIVIL SERVICE—Question, Mr. M'Laren; Answer, Mr. Gladstone ..	1865
<b>Supreme Court of Judicature Bill (<i>Lords</i>) [Bill 154]—</b>	
Bill considered in Committee [ <i>Progress 4th July</i> ] ..	1865
After some time spent therein, <i>Moved</i> , "That the Chairman do report Progress and ask leave to sit again,"—( <i>Mr. West</i> :)—Question put:—The Committee divided; Ayes 145, Noes 138; Majority 7.	
Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	
<b>Conspiracy Law Amendment Bill [Bill 190]—</b>	
<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. Vernon Harcourt</i> ) ..	1889
After short debate, Motion agreed to :—Bill read a second time, and committed for Thursday.	
<b>Public Meetings (Ireland) Bill [Bill 157]—</b>	
Order read, for resuming Adjourned Debate on Question [17th June], "That the Bill be now read a second time:"—Question again proposed :—Debate resumed ..	1890
After short debate, Question put, and negatived.	
<b>Seduction Laws Amendment Bill [Bill 10]—</b>	
Bill considered in Committee ..	1891
After short time spent therein, Bill reported; as amended, to be considered upon Thursday, and to be printed. [Bill 223]	
<b>Medical Act Amendment (University of London) Bill—Ordered (Sir John Lubbock, Mr. Chancellor of the Exchequer, Sir Philip Egerton, Mr. Robert Fowler); presented, and read the first time [Bill 224] ..</b>	
	1892
<b>Ulster Tenant Right Bill—Ordered (Mr. Butt, Mr. Callan, Mr. P. J. Smyth); presented, and read the first time [Bill 225] ..</b>	
	1893

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<b>Elementary Education Act (1870) Amendment (Application for School Board)</b>	
<i>Bill—Ordered (Mr. Heygate, Mr. Akroyd, Mr. Francis S. Powell); presented, and read the first time [Bill 228]</i>	1893
<b>Railways Amalgamation Bill—Ordered (Mr. Stapleton, Mr. Dickinson); presented, and read the first time [Bill 227]</b>	1894
<b>Prisoners on Remand Bill—Ordered (Mr. Henry B. Sheridan, Mr. Locke, Mr. M'Lagan); presented, and read the first time [Bill 226]</b>	1894

## LORDS.

### SAT FIRST.

TUESDAY, MAY 20.

The Earl of Zetland, after the Death of his Uncle.

The Lord Stewart of Garlies (Earl of Galloway), after the Death of his Father.

THURSDAY, JUNE 12.

The Lord Brancepeth (Viscount Boyne), after the Death of his Father.

## COMMONS.

### NEW WRITS ISSUED.

WEDNESDAY, MAY 21.

For *Richmond, v. Lawrence Dundas*, esquire, now Earl of Zetland.

MONDAY, JUNE 9.

For *Devon* (Southern Division), *v. Samuel Trehawke Kekewich*, esquire, deceased.

WEDNESDAY, JUNE 11.

For *Roscommon, v. Colonel the Right Hon. Fitzstephen French*, deceased.

MONDAY, JUNE 16.

For *Berwick, v. David Robertson*, esquire, called up to the House of Peers by the title of Baron Marjoribanks of Ladykirk, in the County of Berwick. (*Mem.*—Lord Marjoribanks died on the 19th of June without having taken his seat.)

THURSDAY, JUNE 19.

For *Bath, v. Hon. George Henry Cadogan*, now Earl Cadogan, called up to the House of Peers.

WEDNESDAY, JUNE 25.

For *Waterford County, v. Edmond De la Poer*, esquire, Chiltern Hundreds.

### NEW MEMBERS SWORN.

THURSDAY, JUNE 5.

*Richmond*—John Charles Dundas, esquire.

TUESDAY, JUNE 17.

*Devon County* (Southern Division)—John Carpenter Garnier, esquire.

TUESDAY, JUNE 24.

*Roscommon*—Hon. Charles French.

MONDAY, JUNE 30.

*Berwickshire*—William Miller, esquire.

*Bath*—Viscount Grey de Wilton.

MONDAY, JULY 7.

*Waterford County*—Hon. Henry Windsor Villiers Stuart,



# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FIFTH SESSION OF THE TWENTIETH PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 10. DECEMBER, 1868, AND THENCE  
CONTINUED TILL 6. FEBRUARY, 1873, IN THE THIRTY-  
SIXTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

## HOUSE OF LORDS,

*Friday, 16th May, 1873.*

MINUTES.]—PUBLIC BILLS—*Second Reading—*  
*Referred to Select Committee—* Pollution of  
Rivers (59).

*Report—* Railway and Canal Traffic (112-120).  
*Third Reading—* University Tests (Dublin) \*  
(103), and passed.

POLLUTION OF RIVERS BILL—(No. 59.)  
(*The Duke of Northumberland.*)

### SECOND READING.

Order of the Day for the Second  
Reading read.

*Moved, "That the Bill be now read 2<sup>a</sup>."*  
(*The Duke of Northumberland.*)

THE EARL OF MORLEY said, there  
could be no question as to the evils  
with which the Bills proposed to deal—in-  
deed the whole subject had already been  
inquired into and reported upon by a

Royal Commission—and the Government  
were so impressed with the necessity of  
doing something in the matter, that last  
year his right hon. Friend the President  
of the Local Government Board intro-  
duced in the Sanitary Bill clauses which  
were almost identical with those in the  
Bill which the noble Duke asked their  
Lordships to read a second time; but so  
many objections were urged against his  
propositions, and so great would have  
been the interference with several bran-  
ches of industry by the provisions against  
the pollution of rivers, owing to their  
necessary stringency and the difficulty of  
carrying them out, that the Government  
felt obliged to abandon them. By way  
of illustration he might mention the  
difficulty which presented itself in re-  
ference to the definition of a "polluted  
liquid"—definitions had been attempted,  
but they were so minute that the utmost  
difficulty would have been found in put-  
ting them into practice. Again, one of

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the most important considerations in connection with the subject of sanitary reform was that of the re-organization of the local authorities. It seemed very questionable that a river should be under the care of so small an authority as a local sanitary authority—it would seem better to place it under a large authority, such as that which managed highways. But as the whole subject of sanitary reform was receiving the attention of Her Majesty's Government, and bearing in mind the fate of the clauses having reference to the pollution of rivers in the Bill of last year, he could not, on behalf of the Government, promise that this Bill would receive their support in the other House of Parliament.

THE DUKE OF CLEVELAND said, he was far from opposing the second reading of the Bill, because there was much that was good in it, and in all these matters it was necessary to make a beginning: but before passing the Bill through a future stage it would be necessary to pause and consider very seriously whether its provisions were such as could be carried out. In his opinion they went too far. At any rate, the fate of the Government measure of last Session showed how necessary it was that the country should have time to consider provisions that so largely affected local and industrial interests. He did not know that even Parliament was in possession of sufficient information to enable them to legislate on the subject.

LORD RAVENSWORTH said, there did not appear to be any objection to the principle of the Bill. The objections that had been urged were rather against precipitancy in consenting to such stringent provisions as were contained in the clauses of the Bill. The pollution of rivers was so great that the interference of the Legislature was urgently called for. Many rivers in the North of England with which he was acquainted were in such a state of pollution as to be absolutely poisonous. He knew rivers which even at a very considerable distance from the source of pollution were in some cases of the colour of deep indigo, and in others of the colour of dirty sulphurous yellow. The water was thus rendered noxious to vegetation and poisonous to fish, and if poisonous to fish, noxious also to cattle and deleterious to man. The provisions of the Bill might be stringent, but such de-

tails could be dealt with by a Select Committee if not by a Committee of the Whole House, and he hoped the noble Duke would persevere with his measure.

THE MARQUESS OF SALISBURY thought that before their Lordships read the Bill a second time it would be well that they should do actually what they had already done formally—read it a first time. On reading the Bill their Lordships would find that it enacted the imposition of heavy penalties on any person who caused or permitted any “polluting liquid” to flow into a river. There were very few of their Lordships who were not the owners of a ditch, and all persons who had ditches would do well to look to one of the definitions which Clause 7 in this Bill gave of a “polluting liquid:”—

“Any liquid which exhibits by daylight a distinct colour when a stratum of one-inch deep is placed in a white porcelain or earthenware vessel.”

But that was not all. The liquid might be as clear as crystal, and yet under this Bill it would be a “polluting liquid” if it contained

“In suspension more than three parts by weight of dry mineral matter, or one part by weight of dry organic matter, in 100,000 parts by weight of the liquid.”

It was his impression that he had often seen ditches the liquid in which would come under the prohibition in this Bill. But what was the case with some of the principal rivers? In the Thames there were 50 parts of the objectionable matter in the 100,000 parts by weight of the liquid; in the Rhine, at Bonn, 20; in the Meuse, 47; in the Mississippi, 80; and in the Ganges, from 20 to 200. He was afraid that those of their Lordships who possessed many ditches would be nigh ruined by the Bill, for it imposed upon anyone who, whether knowingly or negligently permitted any “polluting liquid” to run into any river the penalty of £5 on the first conviction, for the second conviction, a penalty of £10, with a continuing penalty of £2 per diem, and for the third or subsequent conviction £20, and a running penalty of £5 per diem. This was rather severe upon the poor land owners, considering that they would incur these penalties if they did not keep their ditches very much cleaner than some of the principal rivers of the world. The two eminent scientific gentlemen who had acted as

Commissioners had directed their attention to the stopping of the evil; but there was always the danger of attempting too much by legislation, and before undertaking so large a subject, it would be well to have the question considered by practical men. Such a Bill as that now before their Lordships would have to encounter powerful opposition from manufacturers; and for those and other reasons, he thought it ought to be referred to a Select Committee if their Lordships agreed to give it a second reading.

VISCOUNT PORTMAN hoped the noble Duke would not press the second reading of the Bill until after more mature consideration, for if it should become law it would be almost impossible to carry on the mining industry of the country.

LORD VIVIAN said, that legislation on this subject was much needed, and therefore hoped the Bill would be read a second time.

THE EARL OF LAUDERDALE concurred in thinking that legislation was required. There would be no difficulty in detecting noxious matter at the mouth of the drain coming from the factories before it was mixed and diluted by the water of the river. He lived in the neighbourhood of two rivers—the White-water and the Blackwater. You might stand on the bridge and see the salmon shooting up the first of those rivers like lightning—without stopping for an instant; but when they got about 20 yards up the other river they suddenly stopped, turned up their noses, and made a rapid retreat. This was the Blackadder or Blackwater.

THE MARQUESS OF RIPON said, there was no intention on the part of the Government to deny that something ought to be done. There was no question of the extent and mischief of the evil—the only question was whether the Bill before their Lordships afforded the best means of remedying it. He thought that the practical objections to the present Bill were such that their Lordships ought certainly not to consent to it without careful consideration of its provisions by a Select Committee. What they had to consider was, whether the prohibitory clause of the Bill would not lead to an amount of public inconvenience, which would be even less endurable than the evils which it was desirable to remove.

His own impression was that it would be better not to press the second reading; but if the noble Duke (the Duke of Northumberland) thought otherwise the Government would not divide against him.

THE LORD CHANCELLOR wished to direct their Lordships' attention to a difficulty which his experience in the Court of Chancery had made him aware of—that nothing could be more inconvenient than to pass a measure which simply forbade people to do certain things, without ascertaining, or enabling them to ascertain, in what manner it would be possible for them to avoid doing those things. Nothing was more familiar in the Court than an application to restrain nuisances on a large scale. Some towns had sent all their drainage into a river—Birmingham for instance—and when an application was made to the Court of Chancery the Court had not hesitated to grant an injunction; but when the injunction was granted the embarrassing question arose how was it to be obeyed? It might occur that in obeying it as best they could the authorities of the town would do something, which would create another nuisance quite as great as that for the putting down of which the aid of the Court of Chancery had been invoked, and then another suit, by other parties, became necessary. In all cases which arose in connection with the pollution of rivers it had to be considered whether any means could be found for abating the mischief, for it would not do to stop manufactories and works off-hand; especially in cases where legal rights to discharge refuse matters into streams existed, so far as private persons were concerned, and where, according to the existing law, there was no public nuisance. If prohibitory enactments, such as those contained in this Bill, were adopted by Parliament, a sufficiently long time must be allowed for those whom the prohibitions would affect to devise means by which obedience to the law would be practicable.

After a few words in reply from the Duke of NORTHUMBERLAND,

Motion agreed to; Bill read 2<sup>d</sup> accordingly, and referred to a Select Committee.

And, on Tuesday, May 20, the Lords following were named of the Committee:—



Ld. Privy Seal.	E. Morley.
D. Northumberland.	V. Portman.
M. Salisbury.	L. Vivian.
E. Doncaster.	L. Aveland.
E. Lauderdale.	L. Penrhyn.

## CRIME IN IRELAND.

## MOTION FOR RETURNS.

LORD ORANMORE AND BROWNE said, he had given Notice of a Motion for certain Returns, because he thought they were necessary in order to supplement others that had already been ordered. He must, however, remark that there was such a delay in the production of Papers after they were ordered that when they were laid before Parliament it was too late in the Session to take any action on them. In this way the House had been excluded from considering the Alabama Treaty till too late and had been prevented altogether from considering the case of the Galway Election Petition. With regard to the Police Returns, he thought the Government would not object to them, for they had been referred to in the other House as already existing; and the failure of justice had of late been greatly exaggerated by the operation of the unfortunate Jury Act, which had introduced a class of jurors whose impression was that they were exposing themselves to opprobrium if they were to convict men tried for capital offences. The remarks of the Judges at the last Spring Assizes would not be very voluminous, but they were extremely important, and would carry far more weight than the evidence adduced before the Select Committee of the other House.

*Moved* that there be laid before this House, Police Returns of all Crime in Ireland, showing where perpetrators have not been discovered and where they have been prosecuted and convicted, since the 1st of January 1872:

Any remarks of Judges at the last Spring Assizes and of Assistant Barristers at Quarter Sessions since the new Jury Bill came into force as to the competency of Jurors.—(*The Lord Oranmore and Browne.*)

THE MARQUESS OF LANSDOWNE said, that though Her Majesty's Government had no desire to refuse information on so important a subject, still he would submit that their Lordships would not do well to agree to a Motion couched in language of so ambiguous a character. The noble Lord moved for "Returns of all Crime committed in

Ireland." Did this expression include summary convictions, or also indictable offences? Or did it mean only the more serious offences specially reported by the constabulary. The noble Lord further asked for Police Returns "showing where perpetrators have not been discovered." Here again the language was ill chosen. What he conceived the noble Lord did intend to move for was the number of felonies and misdemeanours committed since January, 1872, distinguishing between the cases of persons summarily convicted or committed for trial, and those in which no conviction had taken place. He believed that the whole of the information which the noble Lord sought to obtain would be contained in the Judicial Statistics annually presented to Parliament. It was possible that those Returns would not be presented to Parliament until late in the Session; and if so, there would be no objection to supplying this particular information, so far as it at present existed. With regard to "Any remarks of Judges at the last Spring Assizes and of Assistant Barristers at Quarter Sessions since the new Jury Bill came into force as to the competency of Jurors," what machinery had Her Majesty's Government by which they could obtain any trustworthy records of such remarks? It was not likely that the Judges and Assistant Barristers would keep a record; nor was it reasonable that Her Majesty's Government should depend on newspaper reports. He hoped that his Lordship would if he still considered it necessary to obtain information on the points referred to, re-consider the terms of his Motion.

LORD ORANMORE AND BROWNE said, he would withdraw his Motion; but stated that the Returns referred to by the noble Marquess were now on the Table of the House till the end of the Session.

Motion (by leave of the House) withdrawn.

## RAILWAY AND CANAL TRAFFIC BILL.

(*The Lord President.*)

(Nos. 84, 112.) REPORT OF AMENDMENTS.

Amendments reported (according to Order).

THE MARQUESS OF RIPON proposed to add to Clause 20 (Power to Commis-

sioners to fix terminal charges), the words—

“Any decision of the Commissioners under this section shall be binding on all Courts and in all legal proceedings whatsoever,”

and to transpose the clause to follow Clause 14. The effect of the alteration would be to make the decision of the Commissioners in any dispute between a Railway Company and the public as to rates and charges binding on all Courts and in all legal proceedings whatsoever. The Amendment would remove the concurrent jurisdiction which it had been thought the clause as framed established.

THE DUKE OF RICHMOND claimed an apology from the Government for dividing against him in Committee on this point; and still thought, even when these words were inserted, there would yet be concurrent jurisdiction. The parties would not be compelled to go before the Commissioners, but would still be at liberty to apply to a Court of Law.

THE MARQUESS OF RIPON said, that in the debate in Committee he promised to consider the point, and he had deemed his promise.

LORD REDESDALE suggested that some words might be added which would make it appear that the Commissioners alone should have power to decide these questions. He thought it was extremely desirable that the power should be confined to them, and he believed it was so intended by the Bill.

Amendment agreed to; Amendments made.

Clause 26 (Orders of Commissioners).

On Motion of Marquess of Ripon, Amendments made for the purpose of making the decision of the Court to which a case may be transmitted final and conclusive on all parties.

THE MARQUESS OF HUNTLY proposed a clause enabling the Commissioners, on the application of three justices, to institute an inquiry in cases where it was alleged that owing to the absence of a bridge over or passage under any railway or canal, the public traffic was incommoded; and after inquiry by Provisional Order to direct the remedy, and to apportion the expenses to the parties by whom, in their judgment, the expense ought to be borne. It was not fair, he maintained, that a Railway Company should

be put to the whole expense involved in purchasing for the purpose adjacent property the value of which had been increased by the railway, and that the burden ought to be shared by the public and by private owners.

THE MARQUESS OF RIPON said, this matter did not come properly within the scope of the Bill, because the functions of the Commissioners were confined to questions relating to traffic upon railways, and they had nothing to do with traffic on roads. It was not quite accurate to say the Commissioners would have to deal with all railway matters, because questions of safety would still be dealt with by the Board of Trade.

Clause withdrawn.

Bill to be read 3<sup>d</sup> on *Monday* next; and to be *printed*, as amended. (No. 120.)

#### ALTERATION OF COLLEGE STATUTES.

##### QUESTION.

THE MARQUESS OF SALISBURY wished to ask his noble Friend the President of the Council, Whether any proposals for the alteration of College Statutes without the sanction of the Visitors have been submitted to the Privy Council; and, if so, what course the Council has taken in respect to them? Perhaps the noble Marquess would be able to tell them how many such applications had been made, from what Colleges, and what course it was proposed to take with respect to them?

THE MARQUESS OF RIPON was understood to say, that his noble Friend's Question did not mention dates, but he presumed it referred to applications made recently. The matter stood in this position. In 1871 the question was raised whether alterations in College Statutes could be proposed without the consent of the Visitor. The question was referred to the Committee of Privy Council, where it was argued, and the conclusion came to was that Her Majesty should be advised that the consent of the Visitor was not necessary. The mere fact that the Visitor had not consented would not of itself be a bar to an ordinance making alterations in the College Statutes. Since then the Commission presided over by the noble Duke (the Duke of Cleveland) had been appointed; and he had received a letter

from his noble Friend the noble Marquess, pointing out that, pending the inquiries of the Commission, it would be very desirable that no alterations in Statutes affecting the Fellowships and revenues of any particular College should be made. The Government fully recognized the reasonableness of that view, and it was their intention to act upon it with regard to the Colleges of Oxford and Cambridge, pending the Report of the Commission. He might add, as he did in his written reply to the noble Marquess, that there might be special cases with which the Commission had nothing to do, in which it might be desirable that changes should be made. He proposed, for the information of the House, to lay the two letters on the Table. That was the exact position of the matter at present. The applications sent in for more than a year were only three—one from Brasenose College, Oxford, where the Visitor, the Bishop of Lincoln, had intimated that he entertained serious objections to the alterations proposed to be made in the Statutes. The other two Colleges were Oriel College, Oxford, and Trinity College, Cambridge.

THE ARCHBISHOP OF CANTERBURY said, this was a matter of very great interest in the Universities, and there were two points on which a little further information was most desirable. The first was, whether the noble Marquess's attention had been drawn to the distinction between the original Statutes of Colleges, and the ordinances made of late years under the authority of the Parliamentary Commission. He thought it was contended by his right rev. Brother, the Bishop of Lincoln, to whom allusion had been made by the noble Marquess, that the power to alter the original Statutes stood on different grounds from the power to alter Statutes made of recent years under the authority of the Parliamentary Commission; and it was contended that to alter the former without reference to the Visitor would be going beyond the powers which had been conferred. The other point to which he would call attention was this—it might have been decided, and no doubt after a patient hearing, that the Visitor's consent was not required for an alteration of the Statutes; but what he should like to know was, whether it had been decided that the Visitor should be passed over and altogether ignored?

*The Marquess of Ripon*

For example, if such a case as this should occur—suppose there had been a division in a College as to some matter in the Statutes, and the Head of the College, being in a minority, applied to the Visitor to direct his attention to the point; the next day, perhaps, the Visitor went to the Privy Council to bring the matter before them—would it be quite in accordance with the rules that he should find the matter had been decided without the slightest communication with him, and that the alterations proposed had been made in the College over which he presided? He hoped he might receive some information on these points from the noble Marquess, or from his noble and learned Friend on the Woolsack, who, he believed, was cognizant of all that had occurred on this subject.

THE LORD CHANCELLOR said, that with regard to the points mentioned by the most rev. Prelate his impression was that the decision of the Privy Council as to the power of the Crown in Council to give assent to alterations in College Statutes where the majority of the Governing Body of the College were in favour of them had reference only to the alteration of ordinances made by the Commissioners under the particular clause which dealt specially with that case. He did not apprehend that the question as to any alteration of the ancient Statutes had been determined by the Privy Council; and the most rev. Prelate must see that it would not become him to express an opinion now on a matter which he might possibly, at some future time have judicially to consider. With reference to the other point, after what had fallen from the most rev. Prelate, no doubt the Council would take into consideration how far it might be expedient, in cases of this kind that notice should be communicated to the Visitor, so that the Council might have the benefit of any representation, which he might think it his duty to make to them before deciding upon the advice to be offered to Her Majesty.

THE MARQUESS OF RIPON said, it certainly was not the practice of the Privy Council to give notice in such cases, but he was quite sure it was far from the intention to ignore the Visitors.

THE MARQUESS OF SALISBURY said, he was very glad to hear what had fallen from the noble Marquess, but the impression had gone abroad that the Privy

Council had come to a decision that as the consent of the Visitors was no longer legally necessary it should therefore be entirely dispensed with. That would clearly be a most improper and unjust decision, because in that case the consent of the Privy Council would be given to the action of a majority of the Fellows without any legal authority on their part to make a change of themselves without the consent of the Visitor. He looked on the office of Visitor as a connecting link between successive generations of Fellows; and though on the one hand it might be improper to allow the opinion of a Visitor to overbear the opinion of the majority of the Fellows, where that opinion might be deliberately formed, on the other hand it would be disregarding the wishes of the Founders and transgressing the ancient constitution of the Colleges to allow the mere passing fancy of a particular majority of the Fellows to over-ride those judgments, which the Visitor, in obedience to his official duty, was compelled to give. He was therefore glad to hear that the opinion of the Visitor should have its full weight.

THE LORD CHANCELLOR apprehended that the duty of the Crown under the Act of Parliament would be to consider every application made to it from the majority of the Fellows on its merits, and it would not be right for the Crown to give the effect of a veto to the Visitor's disapproval. On the other hand it might be very proper that the Visitor should have the power to state the objections which he might entertain. But the Crown could act on the dissent of the visitor only if the reasons for that dissent appeared to the advisers of the Crown to be such as ought to influence its decision.

House adjourned at Seven  
o'clock, to Monday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

Friday, 16th May, 1873.

MINUTES.]—WAYS AND MEANS—*Resolution*  
[May 15] *reported*—Consolidated Fund  
(\$12,000,000).

PUBLIC BILLS—*Ordered*—*First Reading*—Con-  
solidated Fund (\$12,000,000); Registration

(Ireland) \* [165]; Juries (Ireland) \* [166].  
*Committee—Report—Peace Preservation* (Ireland)  
[145].  
*Considered as amended*—County Authorities  
(Loans) \* [134].

## PARLIAMENTARY AND MUNICIPAL ELECTORS BILL—QUESTION.

MR. C. E. LEWIS asked Mr. Attorney General, Whether, in the event of the repeal of the Act 5 and 6 Will. IV., c. 36, as contemplated by the Register for Parliamentary and Municipal Electors Bill, any enactment will remain providing for the hours of polling at Parliamentary Elections in English boroughs?

THE ATTORNEY GENERAL, in reply, said, that the hon. Member had undoubtedly pointed out a defect in the Bill; but that, as also one or two others would be remedied by further Amendments.

## ARMY—CASE OF LIEUTENANT ROBINS. QUESTION.

MR. SCOURFIELD asked the Secretary of State for War, If he would state to the House under what charge, under the denomination of discreditable conduct, was Lieutenant Robins, Senior Lieutenant of the 60th Rifles (and who had passed for promotion), placed under arrest on the 6th of June 1871, and removed from the Army after having been kept in arrest until the 22nd of March 1872, and refused a court martial though repeatedly applied for; and, whether he was not twice offered the price of his Commission, which he declined, feeling that he had committed no act to justify his removal from the Army?

MR. CARDWELL: Sir, the charge was disrespectful and insubordinate conduct towards his commanding officer. The Commander-in-Chief, Lord Napier of Magdala, ordered a Court of Inquiry, and, after reviewing its Report, considered Lieutenant Robins to be unfit to remain any longer in Her Majesty's service. He therefore recommended his removal, unless he should anticipate the decision by retiring with the sale of his commission. His Royal Highness confirmed the recommendation, giving him a further opportunity of retiring by sale. The time is explained by the time occupied by the inquiry and the necessity of the references to and from India. In order to save unnecessary delay, His Royal Highness's decision was conveyed by telegraph.

## LICENSING ACT IN IRELAND.

## QUESTION.

Mr. COGAN asked the Chief Secretary for Ireland, Whether it is the intention of the Government to introduce any measure to amend the Licensing Act, so as to enable borough magistrates to adjudicate in cases of drunkenness, and apply the fines inflicted for these offences to local purposes, as hitherto they were empowered under the Towns Improvement Act of 1854?

THE MARQUESS OF HARTINGTON in reply, said, that some inconvenience had arisen in connection with the Licensing Act, so far as Ireland was concerned, and a Bill had been prepared for the purpose of remedying an apparent defect in the Act, so as to enable borough magistrates to adjudicate in the manner proposed by the Question of the right hon. Gentleman. It also proposed to amend some other slight defects which had been found to exist in the working of the Act. He proposed to introduce the measure soon; but he had no hope of carrying it that Session, unless the House would consent to limit the discussion upon it to the practical inconvenience which had been felt, and to resist the introduction of any Amendment which might have for its object the re-opening of the principle of the Act of last year. If any such course were taken, he feared he should have no alternative but to withdraw the Bill.

## THE SUPERANNUATION BILL.

## QUESTION.

Mr. MELLOR asked the First Lord of the Treasury, If, after the names of the persons intended to be provided for by the Superannuation Bill which was recently passed by this House, he will consent to add the dates of their respective appointments?

Mr. GLADSTONE, in reply, said, that there would be no objection whatever.

## BUILDING SOCIETIES—QUESTION.

Mr. ASSHETON CROSS desired to ask the Under Secretary of State for the Home Department, a Question of which he had given him private Notice. He might say, by way of explanation, that there were two Bills on the Paper standing for Monday, relating to the question of Building Societies; one

brought in by the Government, and the other standing in his own name. He desired to learn, What course it was proposed to take with regard to the Bill brought in by the Government? He was desirous of an answer upon this point, because he had been informed that there was some likelihood of the Government bringing in another Bill on the subject. If that information was correct, he should be glad to learn also how soon the new Bill was to be introduced?

Mr. WINTERBOTHAM, in reply, said, that as much apprehension existed among the building societies as to the effect of the Bill introduced by the Government, and as strong objections had been urged against its supposed principles, he had thought it better not to proceed with it. He proposed, however, to introduce another Bill, respecting which he would confer with the hon. Gentleman opposite, and the result would, he hoped, be a measure satisfactory to the hon. Gentleman and the societies themselves.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed,—"That Mr. Speaker do now leave the Chair."

## DISESTABLISHMENT OF THE CHURCHES OF ENGLAND AND SCOTLAND.—RESOLUTION.

Mr. MIALI, in rising to move the following Amendment—

"That the Establishment by law of the Churches of England and Scotland involves a violation of religious equality, deprives those Churches of the right of self-government, imposes upon Parliament duties which it is not qualified to discharge, and is hurtful to the religious and political interests of the community, and, therefore, ought no longer to be maintained."

said, \* Sir, I am quite aware, that in moving the Amendment of which I have given Notice, I am taking a step not very likely to secure the concurrence of a majority of this House. But my experience of the kindness of the House in times past warrants my confidence that in discharging a duty I would gladly escape, but which my sense of what is due to the trust reposed in me by others will not permit me to evade, I may count upon that forbearance which this House always shows to any of its

Members who have a specially difficult task to perform, and who but seldom, and then most unwillingly, trespass upon its patience. I am going to submit to its consideration an abstract Resolution—abstract, that is to say, in its verbal form, but not in its bearing upon ulterior legislative results. Happily for the country, I lack an advantage which the right hon. Gentleman at the head of Her Majesty's Government had when he brought forward—with what practical effect we all know—his abstract Resolution on the question of the Irish Church. No crime of violence, no atrocious outrage, such as the attack, in broad daylight, upon the prison van at Manchester, or the blowing in by gunpowder of the walls of Clerkenwell gaol, has been perpetrated by the friends of Disestablishment in England—or has stimulated Parliament, whether consciously or unconsciously, to that high degree of susceptibility to the claims of justice which, in 1868, after many years of persistent negligence, spontaneously recognized a clear political obligation. There is no dark background of Nonconformist sedition—and I am devoutly thankful for it—to set off, with artificial vividness, the practical meaning of my Resolution. Perhaps, Sir, this is one main reason why the prospect of religious equality in England appears a far-off thing, or, in the words of the right hon. Gentleman—

“So remote from the wishes of the people of England . . . as to deprive it of much of that interest and reality which we recognize when we are dealing with questions that have relation to results, and are within our power and faculty of calculation.”—[3 *Hansard*, ccxii. 576.]

Still, the House, and the right hon. Gentleman who leads it with such well-deserved authority, will forgive me, I trust, if I suggest the propriety of a division of labour, to this extent at least—that whilst it is the special duty of statesmen in office to deal with questions made ready to their hands whether by their own work, or by the work of other men, it may also be the duty of hon. Members occupying, like myself, a private and unofficial position in this House, to spend their days in preparing for official statesmen the materials which, when opportunity serves, or necessity impels, are required for building up a great national policy. It is true, Sir, that I do but ask the assent of the House on the present

occasion to sundry propositions of a theoretical description; but it does not necessarily follow that I am, on that account, as “one that beats the air.” That is a low view of the functions of Parliament which assigns to it the framing of new laws or the passing of annual Estimates as its sole or even its chief business. I am fortunate in being able to plead the high sanction of the right hon. Member for Buckinghamshire in claiming for the deliberations of this House a wider sphere. It is the supreme Council of the State. No small portion of its work consists in the discussion of those principles by which the policy of the nation should be guided. To a very considerable extent the debates of this and the other House of Parliament serve to enlighten the judgment and sway the will of the constituent bodies. It savours of pedantry to assume that because a question is placed before the House in an abstract form, it must necessarily be a sheer waste of time for the House to consider it in a practical spirit. No doubt the natural—I was going to say the inevitable—bent of this House—for we are all more or less sensible of it—is to underrate any Motion which does not lead on forthwith to legislative action. Yet, Sir, some of the grandest passages in our national history took their rise in the Parliamentary discussion of abstract principles. It is my hope, Sir—a hope which I trust we shall all strive to realize—that every word contributed to the present debate will help on action hereafter, and that the speeches of hon. Members will do not a little to ripen public opinion on the greatest question of the age. That question, Sir, is one the immense importance of which, I presume to believe, is fully appreciated by the right hon. Gentleman at the head of the Government. He does not do himself justice, he does not fairly represent the feeling with which he has long been wont to look upon this subject, when, as was the case last year, he resorts to banter, good-humoured though it be, to push it aside from his path. I am confident he concurs with me in thinking that the relation in which the civil power should stand towards the organizations of Christian life in this country, presents a political problem the solution of which will demand the highest efforts of modern statesmanship. To harmonize the constitutional and legal expression of

that relationship with the sentiment of justice, and with the irrepressible instincts of spiritual manhood, is an enterprise worthy of the loftiest, the purest, and the most patriotic ambition. The right hon. Gentleman will not deny, I imagine, that there is something anomalous, startling to one's reason, and manifestly out of keeping not less with the spirit of the age than with the genius of the Christian faith, in the existing forms of contact between the secular and the ecclesiastical authority in this country. He will hardly base his support of the English and Scotch Churches upon the intrinsic merits of the Establishment system. He may say that there is no obvious necessity for disturbing the relative position of these ancient institutions to the State, merely because they are incapable of a logical defence. But, Sir, does the right hon. Gentleman hope—does the House hope—do either of the Established Churches hope—to wall out by any such plea the pressure of opinion which is rapidly closing in upon this question? Why, Sir, what is it which so steadily and so irresistibly moves it to the front? Not hostility, nor even indifference to religion on the part of either of the contending bodies. On the contrary, it is their deep interest in religion. It is their wish to do it homage. It is no spasmodic outburst of political restlessness which may be expected to exhaust its strength, and then pass away. If it were, the right hon. Gentleman might be justified in encouraging the House to pooh-pooh the whole question, to evade it, to dismiss it with banter and raillery, as abstract, visionary, and beyond the domain of practical politics. But a question of such inherent importance, of such ever-increasing and all-pervasive moral pressure, and which is certain to change, more or less, the mutual position of parties at the next General Election, will not, I trust, be refused serious discussion on the pretext that it is an abstract proposition, fit only in its present stage to enlist the functions of a debating society.

Well, Sir, the position I am going to ask the House to recognize is that the establishment by law of the English and Scotch Churches is unjust, impolitic, and practically injurious, both in regard to the temporal and spiritual interests of the nation. I pledge myself to the House that in endeavouring

to substantiate the propositions affirmed in my Motion, I will keep a keen look out both in regard to its time and its patience. When, towards the close of last Session, I gave Notice of the Resolution which you, Sir, will presently put from the Chair, as an Amendment on the Order of the Day, the first question that was levelled at me from every loophole of Church Defence Associations was—"What is religious equality, and in what respect is it violated by our State establishments of religion?" I frankly confess, Sir, I was wholly taken aback by the question. I had not expected to have been assailed by it. It seemed to me very much like a sudden return to the use of bows and arrows after the adoption by the nation of rifled musketry and cannon. Sir, I do not mean, by attempting a logical analysis of the phrase, to lay myself open to the thrust of so obsolete a weapon. After the time spent by Parliament in putting on the Statute Book, in a grandly elaborate and practical form, the nation's reply to this question, why should I be catechized with regard to it? Religious equality has precisely the same meaning in relation to the English and Scotch Churches, as it had in the first Session of the present Parliament to the Irish Church. The best answer I can give to the question, "What is religious equality?" and, to all practical purposes, the sufficing answer is, "*Vide* the Irish Church Act *passim*." I do not say that it may not be plausibly contended that it is possible to connect the religious institutions of a people with the supreme authority of the State in such wise as not to raise the question of religious equality at all. The possibility I do not admit, but I have no need whatever to contest it. It lies outside the scope of my Motion. My contention is that, as a matter of fact, the two Church Establishments against which my Motion is directed, and more emphatically the Church of England, do violate the principle of religious equality. Surely, the allegation will not be denied in this House. The clerical mouthpieces of Church Defence Associations may challenge the assertion; but very few men who care to look back to the General Election of 1868 will do so. No Dissenter, for instance, is equal in the eye of the law, in respect of his religious aspirations and sympathies—I speak now not by way of complaint,

Mr. Miall

but of illustration—with, say, the hon. Member for Cambridge University (Mr. Beresford Hope). The ecclesiastical community to which the hon. Member is attached is represented by upwards of a score of Church dignitaries. The creeds of his Church are stamped with the authority of the nation. In every parish of the kingdom a minister of his Church is maintained, out of national resources, and speaks to his parishioners on religious topics in the name of the State. The Dissenter, on behalf of whose Church the State has done nothing, but which in every parish it has set and supports a man pledged to oppose, and lacking for his religious convictions, beliefs and interests the prestige which is given by law to the Churchman—is he to be told that he is on an equal footing with all others in this matter? Sir, our so-called national churches may plead that they satisfy the demands of piety, of charity, of policy, but it can hardly be pretended that they embody the sentiment of religious equality. So far as law is concerned, they may perhaps be as tolerant as law can make them. Even in regard to religious liberty, some people may say that our State Churches trespass across the frontier only here and there, and then merely in pursuit of comparative trifles. But, Sir, these ecclesiastical establishments, in their conception, in their structure, in the spirit and modes of their working, ignore, and in ignoring trample upon, the more recently developed sentiment of equality. Do not let the House make light of the sentiment, because it is only of late that it has been fully developed. It has always existed as an aspiration of conscience, even when prevented by the unripe condition of society from asserting itself. There have been times, it should be borne in mind, reaching down to a late period in the world's history, when the natural right of a man, even to personal freedom, was commonly regarded as too flimsy an abstraction to claim serious recognition at the hands of ruling statesmen. Our forefathers not only held slaves, but subjected them to the lash, without any compunction, not because they were more cruel in their disposition or despotic in their temper than we, but because they had not passed under the refining operation of the same civilizing agencies. Religious equality, it is true, is the last

discovered of human birthrights, but it is not, on that account, the least valuable of them. Very probably, Sir, I shall be told that religious equality amounts to nothing more than a mere sentiment, and that the violation of it by the law of the land is but the enactment of a policy to which that sentiment is hostile. In which of their material and tangible interests, I may be asked, are any of Her Majesty's subjects injured by the existence of State Churches such as that of England or of Scotland? Even admitting that the system is not without theoretical offence, what does it hurt but the fancy of those who object to it? What practical grievance can they allege against it? In what respect does it cripple their religious freedom? What motive can prompt them to demand what they are pleased to call "religious equality," but what in reality means the disestablishment and disendowment of the established Churches, but jealousy, or envy of their superior position? What do they want but to drag down those Churches to a level with their own? Sir, it is easy enough to impute mean and despicable motives to opponents; but it is not always logically safe. There is only one way in which Parliament can drag down the Churches established by law to a level with the sects not established by law. Their piety, their learning, their spiritual zeal, their religious aptitude to do their work—why, inasmuch as State favour never gave them these qualifications, so the withdrawal of State favour cannot take them away. No Legislature can deprive them of any superiority over the non-established Churches which in regard to such things they may really possess. No, Sir, but the protest which is urged by State Churches against being dragged down to the level of the sects, represents, in its vehemence, the tenacity with which they cling to their exceptional privileges. It is nothing less than an unguarded confession by the members of the Establishments that, in respect of their religious affairs, the laws of the Realm have placed them in a position of assumed advantage above that conceded to the members of any other religious community. Well, now, is our grievance a whit more sentimental or fanciful than their privilege? Does not the one correspond with the other in that respect, as the obverse and reverse faces of the



same coin? But, Sir, even if I were to admit that in upholding its present ecclesiastical policy, Parliament abets nothing worse than a sentimental grievance, there might be, and, as I contend, there would be ample ground for sustaining the Resolution which I am about to submit to the House. Sir, the violation of religious equality by the Constitution of the Realm, inflicts a double injury. It wraps up in itself the germ of a twofold cause of discord. It worsens those whom it favours; it depresses and angers those whom it wrongs; and it does both in the name of Christianity. As to its deteriorating effect upon the class lifted by it into ecclesiastical ascendancy, the House, perhaps, will permit me to avail myself of an illustration pictured by the vivid insight into the workings of human nature of our unrivalled and immortal dramatist. The character of Antonio, "The Merchant of Venice," as drawn by Shakespeare, is conspicuous for its eminently noble generosity, its disinterestedness, and tenderness of affection. And yet it is to him that, in response to a request for a loan of money, Shylock replies—

"Shall I bend low, and in a bondsman's key,  
With 'bated breath and whispering humbleness,  
Say this—

Fair sir, you spat on me on Wednesday last;  
You spurned me such a day; another time  
You called me dog; and for these courtesies  
I'll lend you thus much monies."

The reply of the Venetian merchant shows him to have been utterly unaware that his whole demeanour and bearing towards the Jew had been one of impertinent, intolerant, and intolerable assumption. Nevertheless this is one of the most natural results of State favouritism in religion. It breeds in those who are patronized by it—even in the kindest of them, and, often too, without awakening their consciousness—the spirit of caste, than which nothing ought to be more steadily frowned upon by statesmen—because nothing more surely saps the moral vigour of a State. "Only a sentimental wrong," forsooth, in the case of those whom the system casts into the shade and ignores! Sir, let me give greater exactness to the phrase. The truer way of putting it would be—"Only an affront offered by law to religious sentiment," and felt to be such by one-half of Her Majesty's subjects

in Great Britain. Well but, Sir, are we to infer that it is not worth our while to protest against and resent any inequality inflicted by law but such as may affect us in a matter of bread-and-cheese, or of taxation, or of commerce, or of our physical interests? Surely, Sir, history must have taught every one of us that the policy—whatever may be its other recommendations—which tramples upon the religious sentiment of any large portion of the people, is the most dangerous which a Cabinet can favour. It drives the iron into the soul. If it be a mistake, it is a mistake in that region in which thought is most in earnest, and feeling is most sensitive. "Sentimental wrongs," indeed! Why, Sir, what wrongs of a grosser and more material kind have ever evoked so passionate a resentment? Sir, I will go one step further. I will venture to ask what wrongs are there which men in general are so disposed to resent with a spirit regardless of personal consequences? At any rate, it does not behove prudent and far-seeing statesmen to deal with them as if they were merely the *ignes fatui* of a disordered imagination. The sense of religious equality, having been once recognized and responded to by Parliament, cannot now be outraged, whether sportively or in earnest, without kindling a resentment, which, at no very distant time hereafter, will be extremely embarrassing to the ruling power of the State.

One word more, Sir, before I quit this part of the question. What religious equality means, and how it is disregarded in the maintenance of State Establishments of religion, are matters pretty clearly comprehended by the constituencies, and, in the course of a year or two, will be thoroughly understood. Hon. Members on the other side of the House may fairly do their utmost to obstruct the further development of this principle; but to those who sit on this side I may be permitted—I hope without offence—to suggest that religious equality is in strict keeping with the entire framework of Liberal policy which they have helped by past legislation to construct, and that, unready as they may be just now to give it the sanction of their vote, they will find themselves obliged before very long, either to fight against the natural and logical outcome of their own political principles, or man-

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fully go with them to their ultimate issues.

I pass on to another topic. Once more I crave your forbearance—not so much on account of the time I shall feel it necessary to occupy, as on account of the delicacy of the subject to which I shall invite your consideration. As I have said, the establishment by law of the Churches in question carries with it State favouritism to one section of the community, and injustice to the rest. Well, from the wrong done to the people at large in their political capacity, I go on to make a remark or two upon the helplessness inflicted upon the Churches themselves, as spiritual organizations. For the time being, and for convenience' sake, I shall confine my observations to the Church of England. Not a word will pass my lips disrespectful to that Church, as a Church—not a word disparaging any of the parties or “schools of thought,” as I believe they are now called, which remain within her pale. In certain points of doctrine, as well as discipline, and by shades of belief more or less marked, it is true, I dissent from her standards. But the area of belief, worship, and practice, over which I sympathize with her members, is much broader than that over which our differences extend. It is for the sake of her own future, for the sake of religion in the land, I would call upon the House to help her out of a position which neutralizes her proper authority, and cripples her powers of usefulness. Am I alone, Sir, in cherishing this desire on her behalf? Are there not large numbers of her own devoted members—High Church, Low Church, and Broad Church—who deem it impossible for her to do, as she would, the work she is especially qualified to do, so long as she is tongue-tied and hand-bound by legal restraints? Why, what is the meaning of the cry for Church Reform, as against Disestablishment—in which Episcopal voices may be heard mingling with those of the clergy and laity—but a confession that the law of the land prevents her from doing the things that she would? She resembles, in fact, a body to which life is returning after a long swoon, whose powers are not yet free to act, and whose sensations of vitality have not yet got beyond the stage vulgarly designated as “pins and needles.” Her groans are as continuous as they are distressing.

Motions in this and the other House of Parliament—speeches in both Houses of Convocation—papers read before Church Congresses, general and diocesan—visitation charges—electioneering addresses, and pamphlets innumerable—all reiterate the complaint that the Church is hampered and shackled by the State in the prosecution of her spiritual enterprise. She cannot organize her own machinery; she cannot increase the number of her episcopate; she cannot select her own chief rulers; she cannot put in force any system of self-regulative discipline; she cannot revise her own formularies; she cannot adopt a new lectionary; she cannot shorten her occasional services; she cannot even utter a prayer for Royalty in anguish; she cannot remove the scandals of patronage, nor prohibit the open sale of advowsons in the market, nor adapt her methods to the ever-varying needs of the population, without having recourse to a secular authority or a secular legislature in which all shades of religious belief and no-belief are represented. Sir, I might enliven my strain of remark by striking illustrations of every allegation which I have made; but, mindful of your time, I advisedly refrain from doing so. I take it to be unnecessary. There are but few members of the Church of England, I imagine, who will not admit that she is prosecuting her spiritual mission under legal restraints, the removal of which would largely conduce to the main objects for which a Church Establishment is supposed to exist. But, Sir, I am likely enough to be told during the course of this debate, and emphatically, perhaps, by my hon. Friend the Member for Frome (Mr. T. Hughes), that the Church Establishment, deprived of the right of self-government, or, at any rate, greatly restricted in its exercise, by the closeness of its relation to the State, secures a wider freedom of religious thought than would be enjoyed under any other arrangement. Well, I ought to be, and I trust I am, one of the last men to undervalue freedom of religious thought in its utmost breadth—and not of religious thought only, but of religious profession and action. But let us rid our minds of all cant in this matter. In what sense am I, or any other subject of the Realm, more free to think, speak, and act in regard to spiritual affairs, in consequence of the patronage and support

given by law to the clergy of the Church of England, even if they should be chartered by judicial decisions to teach anything they please? Is there no other way by which we can obtain freedom of thought, than by first pinning down the professional exponents of that thought to ancient creeds, formularies, and Articles of religion, and then loosening the pin by strained interpretations of their purport. Suppose this nation, convinced of the futility of all its attempts to regulate spiritual thought by means of law, were to resolve, as resolve I feel sure it one day will—to leave religious thought and action to run their own course without aid or interference from the State, wherein would religious thought be less free than now? Is it less free in our Colonies than here at home? Is it less free with us than in the great Republic of America? Is it less free in Ireland since Disestablishment than it was prior to it? Think, for a moment, of the recent controversy, not yet concluded, on the retention of the Athanasian creed in the public service of the Church. On the merits or demerits of that creed I have nothing to say in this House. The memorial subscribed in response to the invitation of the Earl of Shaftesbury proves that a very considerable proportion of the more highly cultivated laity of the Church of England—whether a majority or not I do not presume even to surmise—are anxious to relegate it to a more retired position among the standards of the Church. But, Sir, even if they were ten times as numerous as they are, they could not gain their object but through an alteration of the law. Fancy their coming for such a purpose to this House! What the House would do in the case I will not take upon myself to say. But of this I am sure, that, constituted as it is, and representing what it does, this House is not competent to legislate on any such matter. “In fact,” as the Marquess of Salisbury—with whom I do not always agree—told a public meeting at St. James’s Hall some time since, “the thing might be set aside as being that which, in the present condition of the English Government, and with the present relations of Church and State, it would be wholly impossible to carry out.” Practically considered, the Church “as by law established,” whether we have regard to her teaching or her Government, is what the Legislature may

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choose to make her. The Legislature, at least in this branch of it, is what the constituencies may choose to make it. The constituencies are more or less divided into Conformists and Nonconformists, with a very liberal admixture of such as stand outside the pale of all religious organizations. But it is with the constituencies, in the last resort, that judgment rests as to what the Church shall be legally authorized to say or do—her subordination to the State has reduced her to a condition of hopeless helplessness in regard to the management of her own affairs. Sir, the work which she has in hand, in common with the non-established Churches, is one of such stupendous and growing magnitude, and is so largely dependent for its success upon the kind of influences she must needs employ in the doing of it, as to require that all such influences should be practically, visibly, and beyond all possibility of suspicion, of her own will, and under her own control. Compelled to come to Parliament for almost every adaptation of her machinery to the changed and changing social condition of the times, she loses by every repetition of the process something of that mingled dignity and persuasiveness which tells most powerfully upon those whom she undertakes to direct in spiritual things. To have her most trivial as well as her most momentous concerns bandied about in both Houses of Parliament by differing ecclesiastical sections and political parties would, one would think, be as wounding to her self-respect, as to not a few who are outside her pale as a religious community, it seems to be humiliating. The result most to be deplored, however, is that to large sections of the population the exalted and beneficent purpose of the Church herself is lost sight of in the notion that she is the creature of State policy, that she is a branch of the Civil Service, and that “her thinkings are below the moon.”

And now, Sir, a word or two as to the qualification of Parliament to perform those duties which the incorporation of the English and Scotch Churches with the State implicitly and actually imposes upon it. Sir, I am not one of those who are inclined to detract from either the dignity or the wisdom of Parliament. Of course, nothing human is faultless. No arrangement devised by the wit of man is without its drawback of disadvan-

tages. Within its proper sphere, there is no institution in the world, I believe, that secures a larger amount of good government—or, in other words of order combined with freedom—than this Imperial Legislature. But, Sir, the true dignity of Parliament lies in its fitness to do its own work, and not in the height or the breadth, or the universality of its pretensions. The swan, which is the most exquisitely graceful of aquatic birds when floating on the surface of the pool, is also the awkwardest, the most helpless, and the most ridiculous in its movements upon dry land. Sir, Parliament has never excelled in ecclesiastical legislation. No one can be moved to contemplate with patriotic pride, the fruit of its wisdom in that department of work. How should it be otherwise? It belongs to the State to command and to coerce—it belongs to the Church to convince and to persuade. The spirit, the methods, the machinery of the one differ *toto caelo* from those of the other. Why is it that this House exhibits such a strong distaste for religious discussions? Not because its Members are devoid of religious sympathies, but because it feels that religious discussion is outside the range of its proper business. It was not elected for any such purpose. It is not representative of any such purpose. It is not specially qualified to pursue any such purpose, and in attempting to further any such purpose, it is aware that in all likelihood it would do more harm than good. It therefore wisely abstains—at least to a large extent—from taking active part in engagements which would lower it in its own self-respect. But, Sir, the theory of the constitution imposes upon this and the other House of Parliament, the responsibility of making such laws as may be required for the well-being of the Church. And what is the practical outcome of that theory? Why, that in regard to all serious matters affecting her welfare statesmen have wisely judged it to be expedient—at least for a long time past—to avoid making any appeal to Parliament at all. In these days, changes of vital moment, such as the state of parties in the Established Church, appears from time to time to demand, are legalized, not by the declared will the Legislature, but by the interpretations of the Judicial Committee. We shirk the duties which we claim to be ours,

and we devolve them upon a virtually irresponsible tribunal. We do well, Sir. Silence best becomes us in respect of these transcendental questions. But might we not do still better by giving up pretensions which we do not, and cannot, sustain? It is only in petty affairs—affairs which might be much more suitably transacted by vestries—that Parliament is called upon to intervene in consequence of the connection of Church and State. Little Bills there have been in plenty to clog the Orders of the Day, to waste our time, and to try our tempers. It will be unnecessary to run over, even in the most cursory manner, the several objects of these proposed measures. Some of these may be good, others of them may be doubtful, but none of them do more than touch the skirts of our ecclesiastical policy, the darning and mending of which where they are frayed, seems to be thought a suitable occupation for the Imperial Parliament. Sir, the broad effect of the policy of Church Establishments upon the community, civil and religious, can only be roughly estimated. I do not deny that as a spiritual organization the Church has done much work for which the country has to be thankful; but I do say that the incorporation of the Church with the State, and the exclusive civil privileges conferred upon her by law, would be unfairly credited with those beneficial results by which even an imperfect inculcation of Christian truth is sure to be followed. On the other hand, it is not to the Church, but to the invidious and exclusive position in which her Establishment places her, that her opposition to almost every movement for the extension of popular freedom may, I think, be distinctly traced. In the efforts of Sir Samuel Romilly to soften the severities of the criminal code; in the denunciation of the slave trade by Wilberforce; in the first attempts made by Lancaster to provide education for the poorer classes; in the abolition of the Test and Corporation Acts; in the concession of Catholic emancipation; in the almost revolutionary struggle which culminated in the Reform Act of 1832; in the repeal of the corn laws; in the promotion of free trade; in the admission of Jews to this House; and in the measures deemed necessary for the pacification of Ireland, the influence of the

Established Church, as a whole, was uniformly hostile—and if it could have prevailed over the sounder judgment of the public would have largely obstructed the progress of the kingdom in civilization and material prosperity. No doubt, within the last half-century the clergy have made great sacrifices in the work of popular education, thereby more than making up, perhaps, for that attitude of distrust which they originally displayed. But even now the Establishment stands in the way of a complete system of national education. One might be disposed to condone these untoward facts if the Church had been successful in compassing the primary object which it should have had in view. But, Sir, there is no concealing from ourselves the fact that the vast mass of the lower stratum of our population has been, and is, estranged from the public ministrations of religion, both in towns and in the country, to an extent which casts an ominous shadow over the future. Sir, with the best of intentions we have gone the wrong way to work. We have tried to substitute manufacture for growth. We have laid our main stress upon the perfection of our machinery, and have depended too little upon the spirit, the life, and the energy with which it should have been worked. We must reverse our policy if we would really gain our end. Not all of a sudden, indeed. That is not the meaning of my Resolution. But it is not too early for us to know our own mind, nor too precipitate for us to express it with decision. Let us determine upon the principle upon which to base our policy for the future, and wise statesmanship will, of course, choose the most fitting opportunity and means for carrying it into effect.

And now, if the House will kindly bear with me for a moment or two longer, I shall thankfully relieve it from the strain I have most reluctantly put upon its patience. This House, Sir, if I may so say, is the foremost representative of the State; and in temper, in spirit, in law, is designed to express its matured judgment and will, in all matters which involve justice between class and class, or between man and man, and therefore to guarantee all that protection for freedom—intellectual, moral, and religious—which it is qualified to secure. Sir, in matters of religion, justice to all is equivalent to freedom

*Mr. Miall*

for every individual. To see justice done to all, is the primary duty of the State. No institution, however good its purpose, however consecrated by its age and its historical associations, which does not rest upon an ultimate basis of justice, can, at least in these days, hope to achieve the ends which it is the duty of the State to contemplate. Above and beyond all, that institution whose mission it is to dispel ignorance and prejudice in regard to the truths of the Christian revelation, parts with the most potent arm of its strength when it ceases to exhibit a sensitive regard to justice. Failing in this, whether in its structural basis, its method of support, or its bearing towards such as are outside its pale, it will necessarily fail in getting or keeping hold upon the deepest sympathy of the nation—for where the claims of justice are considered, human perceptions are all but intuitive. Well, Sir, in advocating Disestablishment, we look to the law, and, consequently, to the Legislature, for nothing more than justice. Tell us that the State ought to recognize religion, when you have first done homage to that justice which has its source and its home in the bosom of the Supreme. Justice, in the name and for the sake of our common Christianity, is the foundation on which I rest my demand. You may postpone it for a while; but in the end, here, as in Ireland, you will yield to its force. With unfeigned thanks to the House for having borne with me so indulgently, I beg to move, Sir, the Resolution which stands on the Notice Paper in my name.

Mr. M'LAREN, in seconding the Motion, said, the principle of disestablishment had been so clearly laid down, and its advantages shown by the hon. Member for Bradford (Mr. Miall), that he should say nothing on that part of the question. The feeling in Scotland was very strong respecting disestablishment and disendowment. That feeling was held by nearly all the Dissenting Bodies, and many lay members of the Established Church were equally in favour of it. The Free Church, which was the most important Body in Scotland, was divided on the subject, the minority supporting the theory of a State Church, coupled with entire independence. The next largest body, the United Presbyterians, had been for many years in favour of disestablishment. The matter was put

in the very shortest possible compass respecting their views in a Petition which he presented a few days ago from the Presbytery of Edinburgh, and which he read to the House—

“That it is not the province of civil government to provide for the religious instruction of the subject, but that religion should be maintained by the voluntary liberality and exertions of religious men: That Established Churches are unjust and oppressive, adverse to civil freedom and an equitable distribution of political power; that they are a fruitful source of uneasiness, jealousy, and strife among subjects; and prejudicial to the best interests of religion.”

The other Dissenting Bodies generally held very similar views. For the Episcopal and Roman Catholic Churches he did not profess to speak; but seeing that their creed refused to believe that the ministers of the Scotch Church were a properly constituted ministry, or that their Church was a true Church of Christ, it might be inferred that they would not be grieved by its abolition. The disestablishment and disendowment question began to be vigorously advocated in Scotland 40 years ago, and was continued up to the Free Church disruption in 1843. It had permeated nearly every Dissenting congregation. At that time, a strong feeling of sympathy for the seceding Free Church ministers who had taken the opposite side in the controversy induced the Dissenters to proclaim a truce as soon as they had seceded. But the agitation had commenced again in right earnest, and he was persuaded that it would never cease till the Church of Scotland was placed in the same position as the Church of Ireland. He would now, with the leave of the House, state some facts respecting the relative strength of the different religious Bodies in Scotland; and he did so because mere general assertions were always less valuable than facts. The Established Church of Scotland, at present, numbered 1,290 ministers; and he preferred to state the number of ministers, because the number of churches would not give the Episcopal and Roman Catholic Churches the fair position to which they were entitled, because in some of them there were two, three, and even four ministers. The Free Church had 957 ministers; the United Presbyterians had 510, exclusive of their English congregations; the Episcopalians, 193; the Roman Catholics, 172; Congregationalists, 82; other Presbyterian

Bodies, 76; Baptists, 75; Evangelical Union, 68; and smaller Bodies, 50; making a total of 2,183, or 893 more than the Established Church. There was thus a difference of 70 per cent in favour of the non-Established ministers. It seemed to him that the whole argument rested on the question as to what progress was being made by the Established Church, and what progress was being made by the non-Established, for it was only in that way that the facts of the case could be seen, and in that view he thought that the figures would be interesting to hon. Members. In 1836 a Royal Commission was appointed to inquire into the religious instruction of Scotland; and in 1839 they reported that the number of ministers in the Established Church was 1,072; hence the increase since 1839 had been only 218: but the Free Church was altogether an increase, and even since the disruption, there had been a great addition. It began with fewer than 500 ministers, and had now 959. Taking an average, he estimated that the increase in other Bodies since 1843 had been one-fourth part, or 543. There was thus a total increase of 1,500 Dissenting ministers since 1839. Comparing that with the increase of 218 in the Established Church, he thought nothing could show more clearly the direction in which the current was running, and he contended that it was merely a question of time when that Church should be disestablished. It might be interesting to know that these congregations were not merely small bodies of people who could do nothing for themselves. He was prepared to show that the amount contributed by them for religious purposes was so great that it would probably astonish the House. Since 1843 the Free Church had raised, by voluntary contributions, the incredible sum of nearly £10,250,000. It might be supposed that, at the commencement, great efforts were made, and large sums of money raised, which it had not been possible to keep up after the excitement of the disruption was over. The very opposite was the case. During the last 12 years, with the exception of one year, the annual contributions had steadily increased. Last year that Church raised £432,000. That was not far short of half a million of money, a sum which, even as regarded national taxation for the whole of the

United Kingdom, was considered important. Of its ministers, 897 received an average stipend of £234, and most of them had houses in addition. That Church supported hundreds of schools, and a large number of missionaries on foreign stations, all over the globe. ["Divide."] Hon. Gentlemen who were impatient might as well cease to cry "divide," for he should tell his story to the end. The next largest Body in Scotland as regarded its ministers was the United Presbyterians, and that Church was equally liberal in proportion to its numbers. Last year, with the aid of its English congregations, it raised £330,000 for home and missionary objects. It had missionaries in all quarters of the globe, and during the last 20 years it had raised £659,009 for missionary purposes alone. Adding the contributions of the Free and United Presbyterian Churches together, it appeared that during the last year, they amounted to upwards £750,000. That, he thought, must inspire great confidence in the friends of the Voluntary principle, and it showed they were actuated by principle. The other non-Established Churches—he would not go into detail—but, generally speaking, he might say, that they had raised large sums for similar objects, as had also the Established Church. But it was a remarkable fact, that the richest body, the Episcopal Church, which included most of the large landowners in Scotland, contributed proportionally much less for these purposes than the Free and United Presbyterian Churches. To show how easily the Established Church in Scotland could become self-supporting, he might state that it appeared from the Report of the Royal Commission to which he had referred, that the whole of the legal stipends of the 1,072 ministers in 1839 was only £231,451, exclusive of manse and glebes. Now, if the congregations of two Dissenting Bodies could raise three-quarters of a million of money yearly, it could be no hardship for the Established Church to raise sufficient to pay the stipends of their own ministers, as the other denominations did. As regarded the voluntary collections of the Established Church for religious and benevolent objects, it might be stated that the Royal Commission, in 1839, ascertained that during the preceding year the ordinary collections made for

the poor, together with the extraordinary collections for other religious and benevolent objects, amounted only to £58,120. Since that period the amount of their stipends had been increased in many cases by legal decisions, but no certain record of the aggregate results existed. Probably they might now amount to £50,000 more than in 1839. One thing, however, was certain, that, stimulated by the zeal of other religious Bodies, the Established Church had very largely increased its voluntary contributions for religious and benevolent objects and for Church extension. In these circumstances every argument formerly used against the Irish Church would most forcibly apply to the Scotch Church; and there was one additional argument of great force applicable to the Church of Scotland which could not be applied to the Established Church of Ireland. Hon. Members would recollect that persons of strong Protestant feelings urged against the disestablishment and disendowment of the Irish Church, that its churches and ministers were like detached forts in the regions of Popery, from which what they considered the true faith could be best defended, and that if they were removed, Protestantism would be greatly injured if not entirely destroyed. Such an opinion was held by thousands of serious men. That argument, however, would not apply to Scotland, where the same religious faith, creed, and form of worship prevailed in the great majority of the un-Established Churches as in the Established Church. It therefore followed that if the Scotch Church were disestablished and disendowed, none of the evils which were predicted as to Ireland could possibly happen in Scotland. He would now give a summary of the different Bodies holding the same faith to prove this, and then conclude. There were 1,290 ministers on the one side; on the other there were 957 Free Church ministers, 510 United Presbyterians, and 301 of the smaller Presbyterian Bodies, and others holding similar views, making a total of 1,768, all of whom adopted substantially the same creed and the same form of worship as the 1,290 endowed ministers; and their ministrations were, to say the least, as acceptable to the people as those of their Established brethren. Their congregations were generally as large, and in many cases much larger, and he ap-

prehended no disturbance or other evil could arise from the Scotch Church being placed on the same footing as the Irish Church. Having believed and publicly advocated these views for more than 30 years, he had great pleasure in seconding the Motion, and he hoped to live to see the day when the Scotch Church would be disestablished.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the establishment by Law of the Churches of England and Scotland involves a violation of religious equality, deprives those churches of the right of self-government, imposes on Parliament duties which it is not qualified to discharge, and is hurtful to the religious and political interests of the community, and, therefore, ought no longer to be maintained,"—(*Mr. Miall*),—instead thereof.

**MR. GLADSTONE:** Sir, I rise at this early period of the debate to claim the attention of the House for a short time, not because I have ventured to take into my own hands the decision how long the House shall think proper to discuss a question which is, undoubtedly, of the greatest importance, and which presents a most copious supply of matter for consideration, but because I do not desire that there should be even the slightest appearance of delay or hesitation on the part of the Government in declaring the course they mean to take with respect to the Motion of my hon. Friend the Member for Bradford (*Mr. Miall*)—a Motion on which, abandoning the indirect method of approach, he has spoken out with the utmost plainness the purposes which he has in view; indeed, with so much plainness, that I think he leaves us nothing to regret, except the fact that, as his Motion happens to be made, by no fault of his, as an Amendment to an original Motion, "That *Mr. Speaker* do now leave the Chair," we have not, therefore, an opportunity of giving it that direct Aye or No which we should have been able to do, if he had happened to move it upon a day allotted to independent Members. As a prefatory statement, I may be allowed to state, that I am very sensible of the great interest which attaches to the facts which have been stated by my hon. Friend the Member for Edinburgh (*Mr. McLaren*). No man has more laboriously considered the statistics of the religious condition of Scotland than he has, and I hope he will

not think I undervalue them, if I forbear to notice them upon the present occasion; but I pass them by for a reason of which I think he will feel the force—that we all know very well this question will not be decided upon a reference to the specialities of the case of Scotland, but rather upon that far larger interest before us in the case of the Church of England, and by a reference to those general conditions on which my hon. Friend the Member for Bradford founded himself in the course of his argument. With respect to my hon. Friend the Member for Bradford himself, I have often had the pleasure of hearing him; and must admit that whether on occasions on which I could cordially agree with him, or on occasions when I could not, I found, and am always certain to find in his speeches great ability, careful examination and research, transparent sincerity, and evident and palpable goodwill towards all men. That is an assemblage of qualities which we must all appreciate, and which this House appreciates. I do not, therefore, find fault with the Resolution, which, although an abstract one, is yet of so drastic a character that, if my hon. Friend could persuade the House to take the prescription which he recommends to us, undoubtedly there would be no room for the objection, that the prescription would be likely to remain without effect upon the patient. Let us consider what the Motion of my hon. Friend is. He invites us to assert five propositions. The first is—that the establishment by law of the Churches of England and Scotland involves a violation of religious equality; the second is—that it deprives those Churches of the right of self-government; the third is—that it imposes on Parliament duties which it is not qualified to discharge; the fourth is—that it is hurtful to the religious and political interests of the community; and the fifth is—that, therefore, they ought no longer to be maintained. I am not prepared to adopt these propositions; I feel it impossible to discuss them in the manner in which they ought to be discussed. They are propositions with an enormous sweep and volume, on which he has entered at some length, but not at a length nearly sufficient to do justice to the vast importance and immense complications of the matters involved. They have been,



and may be again, the subject of lengthy and comprehensive treatises. They may occupy for months and years, at some period or other, the attention of this House; but I do not think that we are qualified at this moment, any more than we are disposed, to attempt to deal with them in the manner which their importance and difficulty would demand. My hon. Friend has stated one side of the case. He has founded himself, for the most part, not on the violation of religious equality, but upon the sufferings of the Church of England itself, upon the difficulties that it undergoes, upon the "hopeless helplessness" of its condition, and upon the proposition which he asserts, that there are but few members of the Church of England who are not convinced that the purposes for which she exists are now pursued by her under many disadvantages, from which she would be relieved if she were dissociated from the State. Well, the members of the Church of England are perfectly sensible of the many difficulties in the prosecution of her work in the condition in which she now stands; but my hon. Friend must not overlook the fact that these difficulties are not to be got rid of by the simple fact of dissociation from the State, even if the dissociation were as agreeable to the wishes of the people, and as easy in itself, as I believe it to be opposed to the wishes of the people—if not almost impossible. I can only slightly illustrate one or two points upon the subject. My hon. Friend says it is sometimes argued that the established condition of the Church is highly favourable to freedom of thought, and he points triumphantly to Ireland, and says—"Will you assert that thought is less free in Ireland now than it was before disestablishment?" Well, I am not going to recant anything I have said heretofore on the subject of the disestablishment of the Irish Church; but I am bound to say with reference to the present moment and the present circumstances, if my hon. Friend asks me, from what I read in the newspapers, that thought is now less free in religious matters in Ireland than it was before disestablishment, that I accept the challenge, and tell him that I think it is. I earnestly hope that the dangers, if there be dangers, which the Irish Church is encountering or provoking may pass away; but I must honestly confess that

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if, as an individual member of the Church of England, more than as a Minister, my hon. Friend thinks to lure me or whistle me out of the position in which I find myself in the Established Church, by pointing out the felicity or tranquillity which our brethren in Ireland are now at this moment enjoying under schemes which they have taken in hand, I am entirely deaf to lures of that character or kind, and would rather remain where I am. I do not treat this question as one that can be disposed of by banter; it is one which goes deep down into the religious convictions of men. Neither do I treat my hon. Friend as a visionary enthusiast in the doctrines which he urges, although I think those doctrines are not adapted to the country or the present time. I do not deny that there is much to provoke and encourage and facilitate a movement like this of my hon. Friend. In the first place, he represents a large body of opinions in the country. In former times the differences of the Nonconformists, in their separation from the Church of England, turned mainly upon specific differences, either of doctrine of discipline between the two. They have now, I think, gone deeper. My hon. Friend is accustomed to represent—I believe with truth—the position of the Nonconformists as one resting upon the conviction that establishment itself is essentially injurious to religion, and that, therefore, the establishment of their own religion, were it to be taken as it is, would be just as objectionable and as offensive in their eyes as is the establishment of the Church of England. The fact that the opinion of Nonconformity in this country is gradually verging in this direction is of considerable weight and importance. In the next place I do not deny that the disturbances and distractions of the Church of England greatly incite discussions of this kind. They are disturbances and distractions which probably we all view with deep regret. Not, however, on account of those disturbances and distractions must we be led to precipitate conclusions, for those differences are not confined to the Church of England, but affect Christianity generally. We see other churches passing through the most fiery trials; we see the intellect and conscience of man awakened, or, at any rate, agitated, with regard to the question of religion, in a manner which,

perhaps, has no example for several centuries past. But before concluding that, on account of these differences which we feel exist among ourselves, we are to adopt the remedy offered by my hon. Friend, we must require much more careful, much more searching proofs that such differences could be composed by the method he propounds. We have in this country a number of Nonconforming Bodies which, although considerable in themselves, are yet of limited extent as religious communities, and I must say that most of these Nonconforming Bodies appear to me to exercise the principles and powers of self-government with very considerable success. They have, I admit, avoided many controversies which in larger churches in the world are rife, and they appear to attain, in no inconsiderable measure, the great ends of religious activity and religious peace. But it will not do for my hon. Friend, even if that admission is made, at once to attempt to draw from it the conclusion that the same state of things would prevail were you to take a great historical and National Church like the Church of England and place it in the condition of a private religious community. I would illustrate what I mean by a reference to the forms of Government in Europe. You take the case of Switzerland, a small isolated country, and you find that there has been no difficulty whatever in discharging almost all important purposes of government for centuries under a Republican form of Government. When, however, you go into the great countries of Europe and there supplant and overthrow the ancient forms of Government the effect is altogether different, and I think it is a moderate assertion, if I confine myself to this—that it requires caution and recommends circumspection. My hon. Friend has, I admit, other allies. He has allies in the sense of religious indifference, which, at any rate, upon the Continent of Europe, greatly tends to widen the chasm existing between religious and civil affairs, and he has yet one more ally more powerful than all, in what I must call the violent assertions of ecclesiastical prerogative, which have been so singularly and painfully characteristic of the present age, which have produced and will produce vehement re-action on the part of the human mind and intellect, and which are undoubtedly tending

on a large scale, in the opinion of the civilized world, to sever religious and civil affairs. However, questions of this historical character we should not discuss in a cowardly manner, or even in a narrow sense, but rather endeavour to lay fairly the grounds for the conclusion at which we should arrive. Having made these admissions, and in no niggardly spirit, I still must contend that the proposition of my hon. Friend is a proposition which we are not prepared to adopt; and that, if we were prepared to adopt it, it would be attended by results from which the courage even of my hon. Friend himself would shrink. If my hon. Friend were to induce the House of Commons to adopt his Motion, what does he think would be the sentiment of the country to-morrow morning? What would be the condition of the Parliament which had affirmed his proposal? As my hon. Friend says, it is undoubtedly the constituencies which have to decide whether the Church of England is to remain an Established Church or not. But what does my hon. Friend think would be their decision? Some time ago, when he made a somewhat similar Motion to this, I ventured to point out to him that there were no signs of public concurrence in the views which he recommended, and that statement of mine has frequently been described as a challenge. My hon. Friend has given no sanguine account of what he himself believes to be the state of feeling in the country. When he has asked the judgment of the House, upon a division, he has found himself supported by limited numbers; and equally, when the views he has urged have been urged with attention in different parts of the country, the mode of their acceptance has, to say the least of it, been very equivocal. If we are to look at the local indications which from time to time and from year to year are afforded by popular feeling as evidenced by elections, can we say that they tend to inspire us with the conviction that the opinions advocated by my hon. Friend are spreading? And if we are to suppose that an Election were to occur upon this question, I can but say that for my own part I believe that the people of England, not of one party or of another, but the people of England in the broadest sense of the word, would return to Parliament a still smaller number of

Members inclined to entertain the question of the disestablishment of the English Church than is even to be found in the Parliament addressed by my hon. Friend to-night. I think my hon. Friend, like many of us, has been misled by what happened in the case of the Irish Church. I venture to say now, as I ventured to say then, that the two cases were distinguished broadly, vitally, and essentially upon every point without exception upon which they could be brought into comparison. My hon. Friend has not spoken to-night of the numbers composing the Church of England. That subject has been one of much dispute, and I am extremely sorry that we have not been able to agree among ourselves upon a mode of ascertaining the truth upon this matter by a certain test. We have had an account taken of the attendances on a certain day, and that account, though a very important one, yet it is very far from supplying a conclusive test. For my hon. Friend must recollect that it is part of the case of the Church of England that she must, as an Established and National Church, draw in her train a number of persons attached to her by ties far less binding and far less effective than are those which unite the members of the voluntary and unestablished communities; and, therefore, it is obvious that an Established Church, as such, suffers grievously if she is brought into comparison simply as to the number of members, if the measure of her following is to be determined only by the number of persons who may at any given moment be worshipping within her walls. Those who argue the case of Disestablishment tell you constantly, and with force and truth, that it is the great duty of the Establishment to look after those, as far as possible, who do not look after themselves, and that, if she does her duty, she must always have a vast mass of effort in reclaiming the waste places of the nation. The immediate fruit of her labours must necessarily be small there; because it is admitted that she has, along with many intelligent, zealous, and devoted members—and, perhaps, the number of these were never larger than they are now—a multitude of other members less easily defined in the feelings they entertain, gradually descending towards absolute indifference and neglect of all religion. Is it to be at once

asserted that that condition of affairs is to be overlooked, and that no account at all is to be taken of that which is essentially a portion of her work? For my own part, in the great defect in which we stand as to authentic means of judging what is the real, numerical state of the Church of England, I will not go the length of saying that the register of marriages is an accurate and absolute test, any more than attendances on public worship are an accurate and absolute test; but I will say that the one may be taken as a useful corrective of the other, and that if it be more than the truth to say that 78 per cent of the population, as shown by the register of marriages, belong to the Church of England, it is as far from the truth to say that the Church has but one-half or less than one-half within her fold. My conviction is, that a very considerable majority of the population belong to the Church of England. Although I know the state of things in Wales, and in particular parts of the country where her hold is comparatively feeble, yet I think it can hardly be denied by rational and candid observers, that of the masses of the people a very considerable majority are still by some tie or other attached to the communion of the Church. Therefore, as regards that first and necessary test, though it is an insufficient test of the work of an Established Church, I must contend that the Church of England stands in a position as broadly, and, I might almost say, as immeasurably, severed from that of the Church of Ireland as it is possible to conceive. As to the case of the Church of Ireland, my hon. Friend has been misled by a variety of opinions, and for one of the causes by which he has been misled hon. Gentlemen opposite are responsible. When the case of the Church of Ireland was discussed, many who sat in this House, and certainly many persons outside this House, of great dignity and importance—many Bishops upon the bench, many great authorities—insisted upon it, in order to save the Church of Ireland, that the cases of the two Churches were the same, and that it was perfectly impossible to destroy the Irish Church without, in common consistency and propriety, proceeding to destroy the Church of England also. My hon. Friend was no doubt to a certain extent taken in by those assurances. He

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naturally interpreted them as promises on the part of the Gentlemen who used them that they would be his allies in destroying the English Church. But he finds now that there is no one of those persons, Commoner or Peer, layman or clergyman, who used that argument in the controversy with respect to the Irish Church, who is not a most resolute opponent of my hon. Friend with regard to his proposition respecting the English Church. Besides that, I admit that in the very fact of the external resemblance of the two Churches, there was something in the destruction of the one likely, at any rate, to induce attack upon the other. That I admit; but here again my hon. Friend has been misled. The apparent similarity of the cases could not long conceal their essential differences, and I believe that, as factitious and momentary causes have given the movement so well represented by my hon. Friend something of a temporary character, he will find himself in no inconsiderable degree deserted—a desertion of which we shall see increasing evidence from time to time. Sir, my hon. Friend does not deny that it is only a small minority in this House that he represents, and, with the fairness of mind which he possesses, and from which nothing, I believe, could possibly draw him aside, I do not think he would urge that that minority in this House would be increased in number, if it were in our power to take the judgment of the country upon this great subject. And that judgment of the country he himself must admit to be the final standard of action. Not thinking that it is possible for me to travel over all the ground that has been trodden by my hon. Friend, and knowing that it would be totally impossible to give in the course of any speech delivered in this House, within a moderate time, any sort of even tolerable picture of the case, yet I must resort to one authority for the purpose of entering my protest against the general character of the representation of my hon. Friend when he speaks of the hopelessness and helplessness of the Church of England. I shall not adopt the language of exaggeration. I do not mean to say that the Church of England is not seriously hampered in her work. Her connection with the State, which is a part of her lot, and which has brought her many advantages in former times,

and has been an almost vital incident of her condition, must necessarily bring its disadvantages too. But my hon. Friend has represented the dark side of the picture, and the dark side alone. If the speech of my hon. Friend contained, upon the whole, a just or true description of the Church of England, what a lamentable picture she would present to the eyes of impartial observers! Where, Sir, are we to find impartial observers? Not easily, perhaps, among ourselves, because feeling and affection profoundly enter into the discussion of the question, and prevent us from judging with that perfectly dispassionate calmness which we should ourselves desire. But abroad we may sometimes find those who, with accurate knowledge of the condition of this country, and especially of its religious condition, unite discrimination and perfect impartiality of feeling. Now, the House is usually alarmed at the production of a printed book, but there is no occasion for such alarm now. I am about to read some passages from the work of a very eminent man—Dr. Dollinger—whom for many years I have had the privilege of calling my friend—one who is thoroughly acquainted with the religious condition of this country, and than whom no one has a deeper sympathy with English institutions in general. I shall read from a work published by his authority in this country, entitled *Lectures on the Reunion of the Churches*. I shall not read all he says about the Church of England, first, because it is too long, and next because my hon. Friend has supplied us with most of what could be said about her calamities and wounds and sores; but I will read what he says on the other side—not garbled passages, but such as convey a fair and just impression of his views. Dr. Dollinger says—

It may still be said with truth that no Church is so national, so deeply rooted in popular affection, so bound up with the institutions and manners of the country, or so powerful in its influence on national character. During the last 40 years it has extended its range, besides strengthening itself internally, by the foundation of numerous colonial bishoprics in all parts of the globe. It possesses a rich theological literature, inferior only to the German in extent and depth, and an excellent translation of the Bible—a masterpiece of style and more accurate than the Lutheran. . . . But what I should estimate most highly is the fact that the cold, dull indifferentism, which on the Continent has spread like a deadly mildew over all degrees of

society, has no place in the British Isles. To whatever extent scepticism may have advanced among the younger generation, on the whole the Englishman takes an active part in Church interests and questions, and that unnatural hostility and division between laity and clergy produced by Ultramontaniam in Catholic countries is quite unknown there. . . . What has been accomplished during the last 30 years by the energy and generosity of religious Englishmen, set in motion and guided by the Church, in the way of popular education and Church building, far exceeds what has been done in any other country. Attendance at religious worship on Sundays is not, as in France, the exception, but the rule with the higher and middle classes. The Church Congress at Nottingham in October last (1871), in which 16 Bishops and some 3,000 clergymen and laymen of the most various ranks and classes took part, presented an enviable spectacle to other nations. The weightiest religious questions of the day, and the special events and difficulties of the Anglican Church were discussed with a dignity and thoroughness which suggests to every German the tacit inquiry whether anything of the kind would be possible with us?"

Now, Sir, whatever may be said of "hopeless helplessness," whatever may be said of the loss of self-government, whatever may be said of the difficulty of obtaining from Parliament the measures necessary for the religious development and expansion of the Church, yet I think that those who know how to estimate moral as well as legal forces—those who remember how much the people of this country are governed through voluntary, and not through merely coercive and authoritative agencies—those who can measure the real worth that has been described by Dr. Döllinger will be disposed to think that even if upon all the propositions of my hon. Friend some admissions may be made to him, yet they will also think that his candour, if with candour he could unite a perfect impartiality of view, would compel him also to allow that from every one of these propositions he was bound to make the largest deductions. Sir, my hon. Friend will not deny the great part the Church of England has played in the past history of this country. It is all very well to complain of the Church—and I might, perhaps, complain of the particular course that some of its leading members may have taken upon this question or upon that—but the Church of England has not only been a part of the history of this country, but a part so vital, entering so profoundly into the entire life and action of the country, that the severing of the two would leave nothing

behind but a bleeding and lacerated mass. Take the Church of England out of the history of England, and the history of England becomes a chaos, without order, without life, and without meaning. My hon. Friend will not say that the question he proposes to us is a question of the past. If it is not a question of the past, it is certainly not a question of the present. Whether it be a question of the future I will not say; but this I do say, that if it be a question of the future, it is a question of a future which to us is indefinitely remote. If I considered simply the question of the practicability of what is proposed by my hon. Friend—if I adopted the conclusions of my hon. Friend, which I do not adopt—and asked myself in what way I, as one not wholly unpractised in the framing of measures in this House, should endeavour to give them effect by an Act of Parliament, I believe I should not have the courage to face the question. I once made a computation of what sort of allowance of property should be made to the Church of England if we were to disestablish her upon the same rules of equity and liberality with respect to property which we adopted in the case of the Irish Church, and I made out that, between life incomes, private endowments, and the value of fabrics and advowsons, something like £90,000,000 sterling would have to be given in this process of disestablishment to the ministers, members, and patrons of the Church of England. That is a very staggering kind of arrangement to make in supplying the young lady with a fortune and turning her out in life to begin the world. And undoubtedly the spectacle of a voluntary society in the position of the Church of England, altogether independent of the State, and with money available for her purposes that can be only roughly described, or even possibly estimated, by figures like these, does present to the mind rather puzzling problems, so that prudent men, moderate men, and, on my own behalf, Sir, I will say elderly men, may venture to doubt whether they are called upon by any imperative sense of duty to join in such a crusade, even though led by my hon. Friend filling the part of Peter the Hermit. Sir, I invite the House distinctly and decisively to refuse their assent to the Motion of my hon. Friend, because

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it is a Motion the conclusions of which are alike at variance with the practical wishes and desires, the intelligent opinions, and the religious convictions of a large majority of the people of England.

Mr. VERNON HARCOURT said, he wished to state why some, at all events, amongst the Liberal Members not occupying the responsible position of the right hon. Gentleman at the head of the Government could not accept the conclusions of the hon. Member for Bradford (Mr. Miall). There were considerations upon this subject which seemed to him to involve difficulties of far larger character than those to which the right hon. Gentleman had dealt. He (Mr. Harcourt) did not complain that the hon. Member for Bradford had brought forward propositions of a comprehensive character; but the House had some reason to complain, that he had not explained the whole extent of his propositions, or the consequences to which they would lead. The hon. Member was proposing a Motion not to alter, but to overthrow the whole framework of the Constitution. The fabric of their political and Parliamentary system rested on the Act of Settlement of the Crown, and before the hon. Member for Bradford asked their assent to his proposition, he ought to tell them what he intended to do with the Act upon which the Monarchy was founded. The Act of Settlement contained these words—

“Whereas it is requisite and necessary that some further provision be made for securing our religion, laws, and liberties . . . whoever shall hereafter come to possession of this Crown shall join in communion with the Church of England as by law established.”

His hon. Friend was quite entitled to propose to repeal the Act of Settlement; but it was right that Parliament and the country should know that the necessary consequence of his proposition was the immediate abrogation of what was called the Protestant Settlement. If they abolished that Settlement, were they to introduce some substitute in place of that which the Parliament of William and Mary established; and he thought that they had a right to know what plan for the Settlement of the Crown had been adopted in the conclave of the Liberation Society? If the hon. Gentleman intended to maintain the Protestant Settlement of the Crown, he (Mr. Harcourt) wanted to know, how

he reconciled that Protestant Settlement with the doctrines of religious equality and justice, on which he had enlarged, because to confine the Crown to one particular form of religious opinion was as great a violation of the principles of right as any of those which the hon. Member had brought under consideration? Was the hon. Member prepared to go to the hustings, the *penumbra* of which was already projecting over that House, and to tell the electors that the policy of the English Nonconformists and of the Liberation Society required as its first and necessary step the abolition of the Protestant Settlement? Was the hon. Member for Edinburgh (Mr. M'Laren) prepared to recommend as Imperial policy that the Protestant Settlement should be changed or abolished? Nor did the difficulties end there. There was an Act which settled the Coronation. It had been thought necessary that the great compact between the Sovereign and the people should be placed on a certain footing. Did the hon. Member for Bradford intend to alter the terms on which the Sovereign succeeded to the headship of the community? At any rate, he ought to let people understand that these things were involved, and to place before them so definite a statement as to the measure in which he proposed to deal with them. If the House thought the time had arrived for coming to a decision by a vote, rather than by a more protracted discussion, he was unwilling to force arguments on their attention. He had never entertained any doubt on the question, and should vote, as heretofore, against the proposal.

Question put, “That the words proposed to be left out stand part of the Question.”

The House *divided*:—Ayes 356; Noes 61: Majority 295.

#### AYES.

Adair, H. E.	Assheton, R.
Adderley, rt. hon. Sir C.	Aytoun, R. S.
Akroyd, E.	Baggallay, Sir R.
Amcotts, Col. W. C.	Bagge, Sir W.
Amory, J. H.	Bailey, Sir J. R.
Amphlett, R. P.	Ball, rt. hon. J. T.
Annesley, hon. Col. H.	Barclay, A. C.
Anstruther, Sir R.	Barnett, H.
Arbuthnot, Major G.	Barrington, Viscount
Arkwright, A. P.	Barttelot, Colonel
Arkwright, R.	Bass, A.

- Bass, M. T.  
 Bates, E.  
 Bateson, Sir T.  
 Bathurst, A. A.  
 Beach, Sir M. Hicks-  
 Beach, W. W. B.  
 Bective, Earl of  
 Bentinck, G. C.  
 Bentinck, G. W. P.  
 Benyon, R.  
 Beresford, Colonel M.  
 Bolckow, H. W. F.  
 Bonham-Carter, J.  
 Bourne, Colonel  
 Bouverie, rt. hon. E. P.  
 Bowmont, Marquess of  
 Brassey, T.  
 Brise, Colonel R.  
 Bristowe, S. B.  
 Broadley, W. H. H.  
 Brooks, W. C.  
 Bruce, rt. hon. Lord E.  
 Bruce, rt. hon. H. A.  
 Bruce, Sir H. H.  
 Buckley, Sir E.  
 Butler-Johnstone, H. A.  
 Butt, I.  
 Buxton, Sir R. J.  
 Cadogan, hon. F. W.  
 Cameron, D.  
 Campbell-Bannerman,  
 H.  
 Cardwell, rt. hon. E.  
 Carington, hn. Cap. W.  
 Cartwright, F.  
 Cartwright, W. C.  
 Cave, rt. hon. S.  
 Cave, T.  
 Cavendish, Lord F. C.  
 Cavendish, Lord G.  
 Cawley, C. E.  
 Cecil, Lord E. H. B. G.  
 Chambers, M.  
 Chaplin, H.  
 Chelsea, Viscount  
 Childers, rt. hon. H.  
 Cholmeley, Sir M.  
 Clive, Col. hon. G. W.  
 Clowes, S. W.  
 Cochrane, A. D. W. R. B.  
 Cole, Col. hon. H. A.  
 Colebrooke, Sir T. E.  
 Coleridge, Sir J. D.  
 Collins, T.  
 Corrance, F. S.  
 Corry, hon. H. W. L.  
 Cowper, hon. H. F.  
 Cowper-Temple, right  
 hon. W.  
 Crawford, R. W.  
 Crichton, Viscount  
 Croft, Sir H. G. D.  
 Cross, R. A.  
 Cubitt, G.  
 Dalrymple, C.  
 Dalrymple, D.  
 Dalway, M. R.  
 Damer, Capt. Dawson-  
 Davenport, W. B.  
 Dawson, Col. R. P.  
 Denison, C. B.  
 Dent, J. D.  
 Dick, F.  
 Dickinson, S. S.  
 Disraeli, rt. hon. B.  
 Dodson, rt. hon. J. G.  
 Dowdeswell, W. E.  
 Duff, M. E. G.  
 Duncombe, hon. Col.  
 Du Pre, C. G.  
 Dyke, W. H.  
 Dyott, Col. R.  
 Eastwick, E. B.  
 Eaton, H. W.  
 Edwards, H.  
 Egerton, Adml. hn. F.  
 Egerton, Sir P. G.  
 Egerton, hon. W.  
 Ellice, E.  
 Elliot, G.  
 Elphinstone, Sir J. D. H.  
 Enfield, Viscount  
 Ennis, J. J.  
 Erskine, Admiral J. E.  
 Ewing, A. Orr-  
 Feilden, H. M.  
 Fellowes, E.  
 Figgins, J.  
 Finch, G. H.  
 Fitzwilliam, hon. C.  
 W. W.  
 Fletcher, I.  
 Floyer, J.  
 Foljambe, F. J. S.  
 Forde, Colonel  
 Forester, rt. hon. Gen.  
 Forster, rt. hon. W. E.  
 Fortescue, rt. hn. C. P.  
 Fortescue, hon. D. F.  
 Foster, W. H.  
 Fowler, R. N.  
 Gallwey, Sir W. P.  
 Galway, Viscount  
 Gilpin, Colonel  
 Gladstone, rt. hn. W. E.  
 Gladstone, W. H.  
 Goldney, G.  
 Gordon, E. S.  
 Gore, J. R. O.  
 Gore, W. R. O.  
 Gower, hon. E. F. L.  
 Gower, Lord R.  
 Grant, Col. hon. J.  
 Gray, Colonel  
 Greaves, E.  
 Greene, E.  
 Gregory, G. B.  
 Greville, hon. Captain  
 Greville-Nugent, hon.  
 G. F.  
 Grey, rt. hon. Sir G.  
 Grieve, J. J.  
 Grosvenor, hon. N.  
 Grosvenor, Lord R.  
 Guest, A. E.  
 Hambro, C.  
 Hamilton, Lord C.  
 Hamilton, Lord C. J.  
 Hamilton, Lord G.  
 Hamilton, Marquess of  
 Hamilton, J. G. C.  
 Hanbury, R. W.  
 Harcourt, W. G. G. V. V.  
 Hardeastle, J. A.  
 Hardy, rt. hon. G.  
 Hardy, J.  
 Hardy, J. S.  
 Hartington, Marq. of  
 Hay, Sir J. C. D.  
 Headlam, rt. hon. T. E.  
 Henley, rt. hon. J. W.  
 Henley, Lord  
 Henry, M.  
 Hermon, E.  
 Herve, Lord A. H. C.  
 Heygate, Sir F. W.  
 Heygate, W. U.  
 Hildyard, T. B. T.  
 Hill, A. S.  
 Hodgkinson, G.  
 Hodgson, K. D.  
 Hodgson, W. N.  
 Hogg, J. M.  
 Holford, J. P. G.  
 Holker, J.  
 Holms, J.  
 Holmesdale, Viscount  
 Holt, J. M.  
 Hood, Captain hon. A.  
 W. A. N.  
 Hope, A. J. B. B.  
 Hornby, E. K.  
 Hoskyns, C. Wren-  
 Howard, hon. C. W. G.  
 Hughes, T.  
 Hughes, W. B.  
 Hunt, rt. hon. G. W.  
 Hutton, J.  
 Jackson, R. W.  
 Jardine, R.  
 Jenkinson, Sir G. S.  
 Jervis, Colonel  
 Johnston, W.  
 Johnstone, Sir H.  
 Jones, J.  
 Kavanagh, A. MacM.  
 Kay - Shuttleworth,  
 U. J.  
 Kennaway, Sir J. H.  
 Keown, W.  
 Kingscote, Colonel  
 Knatchbull-Hugessen,  
 rt. hon. E. H.  
 Knight, F. W.  
 Knightley, Sir R.  
 Lacon, Sir E. H. K.  
 Laird, J.  
 Langton, W. G.  
 Laslett, W.  
 Learmonth, A.  
 Leigh, W. J.  
 Leigh, Lt.-Col. E.  
 Lennox, Lord G. G.  
 Lennox, Lord H. G.  
 Leslie, J.  
 Lewis, C. E.  
 Liddell, hon. H. G.  
 Lindsay, hon. Col. C.  
 Lindsay, Col. R. L.  
 Lopes, H. C.  
 Lopes, Sir M.  
 Lowe, rt. hon. R.  
 Lowther, hon. W.  
 Lyttelton, hon. C. G.  
 Mackintosh, E. W.  
 McCombie, W.  
 M'Lagan, P.  
 Mahon, Viscount  
 Maitland, Sir A. C. R. G.  
 Malcolm, J. W.  
 Manners, rt. hn. Lord J.  
 Manners, Lord G. J.  
 March, Earl of  
 Martin, P. W.  
 Matthews, H.  
 Maxwell, W. H.  
 Mellor, T. W.  
 Merry, J.  
 Milbank, F. A.  
 Milles, hon. G. W.  
 Mills, Sir C. H.  
 Monckton, F.  
 Monckton, hon. G.  
 Monk, C. J.  
 Morgan, C. O.  
 Morgan, hon. Major  
 Mowbray, rt. hon. J. R.  
 Muncaster, Lord  
 Neville-Grenville, R.  
 Newdegate, C. N.  
 Newport, Viscount  
 Nicholson, W.  
 North, Colonel  
 Northcote, rt. hon. Sir  
 S. H.  
 Ogilvy, Sir J.  
 O'Neill, hon. E.  
 O'Reilly-Dease, M.  
 Pakington, rt. hn. Sir J.  
 Palk, Sir L.  
 Parker, Lt.-Col. W.  
 Patten, rt. hon. Col. W.  
 Peek, H. W.  
 Peel, A. W.  
 Pelham, Lord  
 Pell, A.  
 Pemberton, E. L.  
 Pender, J.  
 Percy, Earl  
 Phipps, C. P.  
 Pim, J.  
 Playfair, L.  
 Plunket, hon. D. R.  
 Powell, F. S.  
 Powell, W.  
 Raikes, H. C.  
 Read, C. S.  
 Round, J.  
 Royston, Viscount  
 Russell, Lord A.  
 Sackville, S. G. S.  
 Salt, T.  
 Samuda, J. D'A.  
 Samuelson, B.  
 Samuelson, H. B.  
 Sandon, Viscount  
 Selater-Booth, G.  
 Scott, Lord H. J. M. D.  
 Scourfield, J. H.  
 Selwin - Ibbetson, Sir  
 H. J.  
 Shirley, S. E.  
 Simonds, W. B.  
 Sinclair, Sir J. G. T.  
 Smith, A.  
 Smith, F. C.  
 Smith, R.  
 Smith, S. G.  
 Smith, W. H.  
 Somersct, Lord H. R. C.  
 Stanhope, W. T. W. S.  
 Stanley, hon. F.

Stanley, hon. W. O.	Walpole, hon. F.
Stapleton, J.	Walpole, rt. hon. S. H.
Starkie, J. P. C.	Walter, J.
Storks, rt. hon. Sir H. K.	Waterhouse, S.
Straight, D.	Watney, J.
Sturt, H. G.	Welby, W. E.
Sturt, Lt.-Col. N.	Wells, E.
Sykes, C.	Wells, W.
Talbot, C. R. M.	West, H. W.
Talbot, J. G.	Wethered, T. O.
Talbot, hon. Captain	Wharton, J. L.
Taylor, rt. hon. Col.	Whatman, J.
Thynne, Lord H. F.	Wheelhouse, W. S. J.
Tipping, W.	Whitbread, S.
Tollemache, hon. F. J.	Whitwell, J.
Tollemache, Maj. W. F.	Williams, Sir F. M.
Torr, J.	Wilnot, Sir H.
Torrens, W. T. M'C.	Winn, R.
Trelawny, Sir J. S.	Wyndham, hon. P.
Trench, hon. Maj. W. le P.	Wynn, C. W. W.
Trevor, Lord A. E. Hill-	Wynn, Sir W. W.
Turner, C.	Yorke, J. R.
Turnor, E.	Young, rt. hon. G.
Vandeleur, Colonel	
Verner, E. W.	TELLERS.
Verney, Sir H.	Adam, W. P.
Wait, W. K.	Glyn, hon. G. G.
Walker, Lt.-Col. G. G.	

## NOES.

Allen, W. S.	Lush, Dr.
Anderson, G.	Lusk, A.
Armitstead, G.	Melly, G.
Baines, E.	Miller, J.
Balfour, Sir G.	Morrison, W.
Beaumont, W. B.	Palmer, J. H.
Bentall, E. H.	Philips, R. N.
Brewer, Dr.	Potter, E.
Bright, rt. hon. J.	Potter, T. B.
Bright, J. (Manchester)	Price, W. E.
Candlish, J.	Rathbone, W.
Clifford, C. C.	Reed, C.
Cowen, Sir J.	Richard, H.
Craufurd, E. H. J.	Richards, E. M.
Davies, R.	Rylands, P.
Digby, K. T.	Sartoris, E. J.
Dilke, Sir C. W.	Saunderson, E.
Dillwyn, L. L.	Sheridan, H. B.
Dixon, G.	Smith, E.
Ewing, H. E. Crum-	Smyth, P. J.
Fawcett, H.	Stacpoole, W.
Fothergill, R.	Stepney, Sir J.
Gourley, E. T.	Taylor, P. A.
Graham, W.	Trevelyan, G. O.
Hadfield, G.	Vivian, H. H.
Herbert, hon. A. E. W.	White, J.
Holland, S.	Williams, W.
Howard, J.	Young, A. W.
Illingworth, A.	
Kinnaird, hon. A. F.	TELLERS.
Lawson, Sir W.	M'Laren, D.
Leatham, E. A.	Miall, E.
Lewis, J. D.	

## THE NITRO-GLYCERINE ACT (1869).

## OBSERVATIONS.

Mr. STAVELEY HILL, who had given Notice to move for a Select Committee to inquire into the operation of the Nitro-glycerine Act (1869), intituled, "An Act to prohibit for a limited period

the importation, and to restrict and regulate the carriage of Nitro-glycerine," and the effect of such Act on the manufacture, transit, and use of explosive compounds, said, that Petitions praying for inquiry had been presented from persons employing over 100,000 hands, and that fact would give the House some idea of the large issue involved in the continuance of the Act. Had the forms of the House allowed he would have moved for a Select Committee to inquire into the propriety of continuing it, and it would be a very proper subject of inquiry as to whether gun-cotton was the only safe explodent. The circumstances under which the Act was passed were these—that in 1868 there had been some terrible explosions of nitro-glycerine, and, therefore, it was thought necessary to legislate upon the matter. The Bill brought in was described as one to prohibit "for a limited period" the importation of nitro-glycerine, and, in fact, when the Bill was introduced, there was a clause in it limiting its operation to one year; but during the passage of the Bill through Committee in that House, that clause was, inadvertently, he presumed, struck out; because when Lord Cairns, in the House of Lords, took objection to the Act on the ground of the interference which it would cause to trade, Lord Morley pointed out that the Act would only be in operation for a year, and that in the meantime there would be an opportunity given to scientific persons to inquire whether the compound known as nitro-glycerine was an innocent explosive or not. But the Act had remained in force ever since, and the effect of its passing had been to give a monopoly for compressed gun-cotton as against all other explosives. Now, besides the objection to the Act on the ground of the restraint which it imposed on trade, there was a far more important question involved, and that was, how far persons employed in the Woolwich Arsenal, and who were working with the money of the country, should employ that money and their time in manufacturing, or in obtaining the knowledge of, articles for which they took out patents, and subsequently sold to this country, or to the colonies, or to foreign Governments. One of the principal questions bearing upon the matter was the comparative merits of two explosive agents—dynamite and compressed



gun-cotton. The opinion of Professor Abel, chemist to the War Office, seemed to have had great influence upon that matter, though he himself was, in fact, deeply interested in the manufacture of compressed gun-cotton. He had a patent for such manufacture, and he granted the right to make the article to Messrs. Prentice, of Stowmarket, they paying him a royalty, and he recommended to the Government the passing of an Act of Parliament which would give the preference, or a monopoly, to gun-cotton. As to the safety of gun-cotton, on the 11th August, 1871, there was an explosion of gun-cotton at Stowmarket, by which 24 persons were killed and 50 were wounded. Major Majendie was appointed to investigate the matter, and the statements of Professor Abel were those upon which he seemed mostly to rely throughout the proceedings. He came to the conclusion that acid had been put in the gun-cotton, and that the person who had placed the acid there had aimed at doing a commercial injury to the company rather than at anything else. It was an astounding thing that such a deed could have been done by a mere rival in trade; but the Home Office ordered no further inquiry to take place, and so the matter rested. In March, 1872, a Treasury Minute was passed, with the view of preventing persons in the employment of the Government taking out letters patent for any of these explosive compounds, and in the following April, Professor Abel transferred his patent, which had cost him £5,000, to a Mr. Nicholson for £100, and the latter gentleman very recently assigned it to the Gun-cotton Company for £4,000. After the Stowmarket Works were destroyed, in September, 1871, licences were granted by the Home Office for the transmission of nitro-glycerine; but since they were rebuilt, in last April, the Government renewed their prohibition respecting that article. It therefore appeared to him (Mr. Staveley Hill) that this Act then was passed by the Home Office in the interest of Professor Abel. Although he was precluded by the forms of the House from taking a division on his Motion, he hoped the Home Secretary would grant him the Select Committee which he asked for.

MR. BRUCE said, he came prepared to discuss the policy and administration of the Act, but was utterly unprepared

to hear a personal attack made upon Professor Abel gravely affecting that gentleman's character; and, so far as he (Mr. Bruce) was concerned, utterly without foundation. The hon. and learned Gentleman the Member for Coventry (Mr. Staveley Hill) assumed that the Home Office were acting under the advice of Professor Abel. Now, he (Mr. Bruce) was responsible for the Act of 1869, which was passed without any communication with Professor Abel; at all events, the only communication with him was entirely indirect. The subject of the danger arising from the explosion of nitro-glycerine was brought before the House by an hon. and gallant Member, whose statement produced a great impression. The Government, therefore, brought forward a Bill vesting in the Home Office the responsibility of laying down conditions for the use, the importation, or the transport of this article. To whom did he refer for information? Not to Professor Abel, but to Professor Miller, who gave an elaborate Report on explosive substances, and it was entirely on his Report that the first licences were framed. From time to time other explosive substances were brought before the Home Office, and it was represented that the conditions imposed as to nitro-glycerine were unnecessary. He did not know that he had ever witnessed conduct such as that of the hon. and learned Member. His Motion was one of the most reasonable character, and he (Mr. Bruce) should have been prepared to assent to an inquiry into the operation of the Act. But the hon. and learned Gentleman had said little or nothing in favour of his Motion, but had made a laboured attack upon Professor Abel, charging him with having reported in behalf of one invention and against another, because he was interested in the one and not in the other. That was one of the gravest charges that could be made against a public servant. Yet the hon. and learned Gentleman had made it without the slightest Notice, and it was therefore impossible for it to be met by those whose duty it would be to defend or explain the part taken by Professor Abel. A Committee of scientific men had sat upon the subject in the War Office, and Professor Abel was, he believed, a member of such Committee; but when the hon. and learned Gentleman stated that Professor Abel was the adviser of the Home Office

*Mr. Staveley Hill*

in the matter, he said that which had not a shadow of truth in it. When the hon. and learned Gentleman intended to make an attack upon an eminent and an honourable man, he was bound to give the ordinary Notice usual under such circumstances. The Home Office, however, had prepared a fresh form of licence, and if the hon. and learned Gentleman thought its conditions still too rigid, he was prepared to welcome the appointment of a Select Committee. The only difficulty was, that there were a few days ago 19 Select Committees sitting, including 275 Members. Three or four others had since been appointed, and he was about to move for another Committee on a question affecting the metropolis. It would, therefore, be difficult to name another Committee, and he recommended the House to avail itself of the experience of the next six months, and if the hon. and learned Gentleman would renew his Motion for a Committee at the beginning of next Session he should be happy to agree to it.

Mr. ELLIOT said that, being acquainted with the practical utility of this article, and believing that the dangerous properties incidental to it as an explosive, had been to a great extent neutralized, he thought good would result from relaxing the severity of the restrictions. He had been asked to second the Motion, if made, and he should have been glad to do so; but he must say he was rather surprised and shocked that such charges should be made against Professor Abel without Notice.

Mr. HINDE PALMER thought it desirable that the subject should be fully investigated by a Select Committee, and was rejoiced to think that the right hon. Gentleman the Secretary of State for the Home Department had adopted that course. In his opinion, the Act was fully justified by the evidence given as to the extreme danger of this material; but it appeared by a lecture of Professor Abel, in February, 1872, that it was now one of the safest, most powerful, and most convenient explosives for blasting purposes that could be used. In Cornwall, it was very generally used for mining purposes, and with perfect security to the men employed. In conclusion, he must say he objected to the personal questions which the hon. and learned Member for Coventry (Mr. Staveley Hill) had introduced into the discussion.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

Mr. MITCHELL HENRY suggested that the Government should appoint a small independent Committee of eminent chemists, and persons accustomed to the use of explosive materials to investigate the subject, and advise them as to the necessary legislation with regard to it.

Mr. STAVELEY HILL explained that in the remarks he had made with regard to Professor Abel, he had only repeated what had already appeared in print. He should be very sorry had he been led to make any statement reflecting on that gentleman which was not well founded.

Sir HENRY STORKS regretted the hon. and learned Member for Coventry (Mr. Staveley Hill) should have been led to make remarks with regard to Professor Abel which were not only unfair but were unfounded. Had the hon. and learned Gentleman given Notice of his intention to bring this matter forward he (Sir Henry Storks) should have been prepared to state the real facts of the case in detail; but all he could now do was to state that Professor Abel had given up his gun-cotton patent unconditionally, and that he now received no royalty whatever on the manufacture of the material. The hon. and learned Gentleman had referred to officers in the service of Government holding patents. He entirely agreed with the hon. and learned Gentleman that the practice was inconvenient and improper. One of the first things his right hon. Friend the Secretary of State did on assuming the duties of the War Department was to put a stop to this system, and the Treasury Minute to which the hon. and learned Gentleman had alluded, was issued at the instance of his right hon. Friend. With regard to the main question before the House, he might state that accidents had frequently occurred from the explosion of dynamite, and that to transmit dynamite or any other explosive substance by railway, without due precaution, was a very dangerous thing. The right hon. Gentleman the Secretary of State for the Home Department had promised an inquiry into the subject, and he (Sir Henry Storks) thought it was very right that it should be inquired into. He regretted very much that the

hon. and learned Gentleman had not given some Notice in order that he might have come down to the House prepared to reply more fully to the observations of the hon. and learned Gentleman.

Original Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee deferred till Monday next.

#### PEACE PRESERVATION (IRELAND)

BILL.—[BILL 145.]

(*The Marquess of Hartington, Mr. Secretary Bruce.*)

#### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*The Marquess of Hartington.*)

MR. PIM rose to address the House—

Notice taken that 40 Members were not present; House counted; and 40 Members being found present—

MR. PIM again rose, and expressed his intention to move that the Order for going into Committee be discharged, and that the Bill be referred to a Select Committee, consisting of the Marquess of Hartington and Mr. Secretary Bruce, together with all the Members who represented Irish constituencies.

MR. SPEAKER said, the hon. Member might move to refer the Bill to a Select Committee, but the nomination of that Committee must be made the subject of a separate Motion.

MR. PIM said, in that case, he would now move to refer the Bill to a Select Committee. His object was to ensure a decision which would give more satisfaction to the people of Ireland than the voice of the House at large, and he also wished that the details of the Bill should be more deliberately considered than they were likely to be by a Committee of the Whole House. His ulterior intention was to move that the Committee should consist of all the Members who represented Irish constituencies, as it was highly important whenever coercive and repressive legislation was called for, to show to the people of Ireland whether it received the support of the majority of her own Representatives. The fact was that a majority of Irish Members had voted against the second reading,

and the Bill was only saved from defeat by the votes of English and Scotch Members. Moreover, he wanted to coerce Irish Members to attend to their business, for not half of them were in the House last evening when the second reading of this Bill was under discussion. If the Bill were referred to a Select Committee of Irish Members, and if the responsibility for the Bill were in that way cast upon them, they would not shirk that responsibility, but would attend the Committee and discuss its clauses; but the majority of Irish Members were absent from the House because the opponents of the Bill knew that opposition in the House was useless, and the supporters of the Bill knew that their attendance was not necessary to secure its passing. He was of opinion that the Bill ought to pass, but must strongly contend that its details required more consideration than they were likely to receive. For that reason he had not voted for the second reading of the Bill; but he would have done so, if he could have obtained from the Government a promise that they would consent to refer it to a Select Committee. He would now conclude by moving that it should be so referred.

MR. CALLAN seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"—(*Mr. Pim.*)—instead thereof.

THE MARQUESS OF HARTINGTON said, he thought the hon. Member for Dublin (Mr. Pim) could hardly be serious in supposing that the Government would assent to the Amendment, because the principle of referring Irish measures generally to Committees consisting almost exclusively of Irish Members could hardly have a fair trial, if it were raised and decided in connection with this Bill. There were the strongest possible differences of opinion among Irish Members in relation to it, and a Select Committee of Irish Members would from the first be sharply divided into two sections, one of which would oppose and the other support almost every provision. The desired experiment could not have a fair trial under such circumstances. One of the great objects of recent Governments was to

*Sir Henry Storks*

obliterate as far as possible those unfortunate party animosities which had so long existed; and it seemed to him (the Marquess of Hartington) that instead of tending in this direction, such a Committee as that moved for by the hon. Member would tend to revive those animosities. The hon. Member for Tralee (The O'Donoghue) had the courage to say what he knew would be unpopular with at least a noisy section of his constituents, and to vote for the Bill, and there might be others who would take a similar course in Committee; but in the main, it would be divided—Catholics opposing Protestants, and the South resisting the North. Farther than that, the proposal which his hon. Friend had made with regard to this Bill was far too important an invasion on the practice of the House to be affirmed without much further consideration and discussion than could now be given to it. When the House referred any matter to a Committee, the Committee was supposed to represent the prevailing sentiment of the House; but could it be said that a Committee composed entirely of Irish Members, with the addition of the Home Secretary and himself, would in any sense be a fair representation of the opinion of the House? Such a proposal could not be adopted in relation to one particular measure, unless they were prepared to adopt it with reference to measures generally. In that case, this might happen, which would reduce the proposal of his hon. Friend to an absurdity—it was quite conceivable that the opinion of Irish Members might be almost unanimous on one side, while the opinion of the House was almost unanimous on the other. So long as they legislated for Ireland, they could not get rid of their responsibility by delegating their functions to a particular section of their Members, and, having supported this measure by an overwhelming majority, they would not commit the consideration of its details to a body which might be opposed to every important provision of the Bill. He, therefore, hoped his hon. Friend would not press his Amendment.

SIR JOHN GRAY said, he widely differed from the opinion of the noble Lord the Chief Secretary for Ireland, for he (Sir John Gray) contended that the Irish Members who were especially interested in the maintenance of peace

and preservation of property and life in Ireland were the very parties to whom the details of this measure should be submitted. Representing different sections of the Irish people and intimately conversant with the state of the country, they were, above all others, the men to examine the details of the Bill, and to say what provisions were necessary and best calculated to carry out the principle on which they were all agreed. All statistics upon the subject from whatever quarter, showed that crime had greatly diminished in Ireland, and coercive measures were quite unnecessary to protect property and punish crime, if the ordinary laws were strictly and promptly enforced. He maintained, in order to the end proposed, that the Government, by utilizing the Chairmen of Counties, who were overpaid for the work they had to perform, might do all that was needed for the repression of crime. Let the Executive, instead of allowing these gentlemen to adjourn their Courts and come up to Dublin to earn fees, or go into the country to amuse themselves, send them back to their counties, and make them sit from day to day, until punishment was inflicted on the guilty, and the evil-disposed were deterred, and measures such as that now before the House might be dispensed with. He was quite willing to give to the Executive all the powers that were needed for the repression of crime, but he was not prepared to arm them with exceptional powers as long as ordinary methods of repression were left unused.

MR. MUNSTER said, the noble Lord the Chief Secretary for Ireland objected to refer this Bill to a Committee of Irish Members, on account of the differences of opinion which prevailed among them. Now, he would appeal to the right hon. and learned Gentleman opposite (Dr. Ball), whether that difference of opinion was such as to render the Irish Members unfit to discuss this measure properly among themselves. Another objection of the noble Lord was, that if the House were to refer the Bill to such a Committee, it would be equivalent to delegating its powers so far to the Irish Members. But the empty benches which they saw before them showed that the House was willing enough to delegate its functions of deliberation, though, as would be seen by-and-by, not of voting to the Irish Members.

DR. BALL, having been appealed to by the hon. Member for Mallow (Mr. Munster) said, that the proposition to refer this matter to a Committee composed of every Irish Member of the House, with the addition of two English Members, in consequence of their official position, was simply a proposition that Government and Parliament should abdicate their functions and embody the Irish Members as a separate Assembly. That was a proposition of the most serious character, and one which he hoped the Government would never consent to. Neither was he disposed to refer the Bill to a Select Committee of the ordinary kind, because the measure had been the subject of careful deliberation in the House before, and had been made as perfect as possible. It was not a new measure, moreover, for it had been two years in force, and it had not been shown that the Executive had abused any of the powers conferred upon them by it.

MR. BUTT, while maintaining that the proposal for a Committee of Irish Members was justifiable in itself, agreed with the noble Lord the Chief Secretary for Ireland, that it was of too great importance to be discussed incidentally, and expressed a hope that it would not be persevered with on the present occasion. Notwithstanding the majority of last night in favour of the second reading of the Bill, he was in hopes that when the House went into Committee upon it such modifications might be introduced as would greatly tend to reconcile the Irish people to it. He believed that Ireland never would be at peace until there should be, not a Select Committee, but an Irish Parliament, to decide on Irish questions, not in this House, but in Dublin. But as he understood the proposition of his hon. Friend the Member for Dublin (Mr. Pim), it was not to delegate the powers of the House to a Committee, because when the Irish Members met their decision would be afterwards reviewed by the House; but it would come before it with all the weight that would attach to the previous deliberations of the Irish Members. He ventured to say that the mass of Business with which the House had to deal would soon force it to some division of labour, like that which had been suggested by the hon. Member for Dublin.

MR. SERJEANT SHERLOCK also expressed a hope that the Motion would not be pressed.

MR. RONAYNE said, he also joined in the appeal, but took exception to the argument of Dr. Ball, that because the Bill had been passed two years before, it should be passed again. The circumstances were altered; peace existed in Ireland, there was a total absence of crime in the country, and he did not remember during the last 20 years an agrarian murder in Cork or Waterford. Was it, then, a reason for the passing of the Bill that offences had been committed in adjoining counties?

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

*Bill considered in Committee.*

(In the Committee.)

*Clause 1, agreed to.*

Clause 2 (Peace Preservation (Ireland) Act, 1870, and Protection of Life and Property in certain parts of Ireland Act, 1871, continued till 1st June, 1875.)

MR. BUTT moved, in page 1, to leave out lines 13, 14, 15 and 16, down to and inclusive of "and." The Amendment, if carried, would not repeal any portion of the Peace Preservation Act, except the Act of 1870, and it would leave the Westmeath Act untouched. Under that Act, the Lord Lieutenant would still have the power of proclaiming any county or district; and when a district was proclaimed, any man having a gun, a sword, or dagger in his possession would be liable to two years' imprisonment. The Bill would, therefore, still give very extraordinary powers to the Government. If ever they were to abandon these stringent measures, it would be better to do so gradually, and he believed that if some modification were made in the provisions of the Bill, it would soften the resentment by which it would be received by the Irish people. There was an intense feeling in Ireland on the subject, and he believed that it would be most advisable for the Government to fulfil their promise, not to continue the unexampled severity of the Act of 1870.

Amendment proposed, in page 1, line 13, to leave out from the first word "The," to the word "and," in line 16, both inclusive.—(*Mr. Butt.*)

THE O'CONOR DON supported the Amendment, which he hoped would be acceded to by the noble Lord. He conscientiously believed that all these stringent measures could not be at once abolished; but, gradually, they might be relaxed, and in that way, Ireland might be accustomed to the same laws which were sufficient to maintain the peace of England. If ever these laws were to be got rid of, they must be got rid of by degrees, and if ever a beginning could be made, it was at a time when it was admitted that the state of Ireland generally was tranquil.

THE MARQUESS OF HARTINGTON said, it was impossible for the Government to assent to the Amendment, as he considered they would be guilty of a grave neglect of duty, if they consented not to renew these parts of the Act. What, indeed, would be the use of the Act at all, unless it was fully competent to carry out the object the Government had in view? He denied it was their intention last August, that the Peace Preservation Act should lapse in the present year. What the Attorney General for Ireland then said was, that the House would have an opportunity of considering the question. As to the suggestions just made, he rather doubted whether the gradual abandonment of these restrictions would be prudent. As long as any restrictions existed at all, they should be thorough and effectual, and when the state of the country was such as would justify their withdrawal and a resort to the ordinary operation of the law, the Government would be only too happy to take this course. He knew that the reports of magistrates and constabulary officers were open to the comments which had been made about them; but they could not be produced, because they were made confidentially, and if they were not to be regarded as confidential, they would lose their value. From an examination of them, and in the light of information derived from other sources, he believed it was necessary to renew these Acts. As regarded the county of Mayo, its condition was not satisfactory, because there were as many agrarian

crimes in it last year as there were in Westmeath; and he could mention six cases of murder or attempted murder, and of gentlemen who could not leave their homes without the protection of the police. Under these circumstances the Government were certain they would not be justified in relaxing the law in Mayo.

MR. SYNAN contended that the facts of the noble Lord the Chief Secretary for Ireland did not support his argument, because he alleged the existence of agrarian crime as a reason for continuing legislation against treasonable offences. The Westmeath Act was passed to suppress agrarian crime in a small district, and the Peace Preservation Act was passed for the purpose of putting down treasonable offences throughout Ireland. There was thus an essential difference between the two, and the object of his hon. Friend the Member for Limerick (*Mr. Butt*) was to separate the one Act from the other. The noble Lord was bound to continue only that part of the Act of 1871 which was necessary for the purpose of putting down agrarian crime, and to drop that part which related to treasonable offences, for it was not necessary to suspend the Constitution in Mayo for the purpose of taking up a person guilty of Ribbonism.

MR. CHICHESTER FORTESCUE, as Chief Secretary for Ireland when the Peace Preservation Act was passed, desired to correct the hon. Member for Limerick (*Mr. Synan*), in his statement that that Act was passed solely against treasonable offences. The largest portion of it was passed for the purpose of meeting what had grown into a formidable and widespread outbreak of agrarian crime; but it was far from being confined to the small district of the country in which the Act of 1871 had its operation. It comprised many districts and counties. He appealed to the Committee whether, having once found it necessary to enact such legislation, it was not a very grave responsibility on the part of the Government to decide on the time when it should come to an end. Having in view the putting a permanent end to the evil, it might be found that the greater haste the less speed, and that the premature withdrawal of the Act might defeat the object they all had in view. A patient continuance of powers

exercised with great caution would be the best means of bringing about an early and permanent termination of them, and, however rashly such powers might be used in other countries and under other forms of Government, their abuse under our Constitution was practically impossible.

MR. C. E. LEWIS, as an Englishman representing an Irish constituency, felt himself to be in a considerable difficulty. He had voted with great reluctance in favour of the second reading of the Bill last night, and would also oppose the present Amendment with great regret; but he would certainly support another Amendment which he saw on the Paper, restricting the operation of the Act from two years to one.

MR. O'CONOR agreed that under the force of public opinion such a Bill might not be harshly administered in England, but it was useless to appeal to this House on any Irish question when the Government had once made up their minds. He maintained that the law as it stood, was perfectly sufficient to put down crime, and was certain that no Irish Member could support a Bill like the one under discussion without exposing his fellow-countrymen to the greatest possible injustice. For that reason he should himself offer every opposition he could to its progress.

MR. MURPHY also joined in the assertion that the existing law was sufficient for the purpose. He protested against the Bill generally, but more particularly against the law which it was proposed to apply to the Press in Ireland.

MR. RONAYNE thought that, considering the tranquility of Ireland, no case had been made out for the Bill. He could not understand how Englishmen, forgetting their old traditions, could hand over their fellow-subjects to the tender mercies of a Star Chamber in Dublin Castle, to be imprisoned where and as they thought proper, or to give power to arrest on mere suspicion people who had committed no crime. That, surely, was not the way to make Ireland loyal.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 100; Noes 28: Majority 72.

*Mr. Chichester Fortescue*

MR. BUTT then moved the substitution of the word "four" for "five" in line 19, with a view to limit the duration of the Bill to one year.

Amendment proposed, in page 1, line 19, to leave out the word "five," in order to insert the word "four."—(*Mr. Butt.*)

THE O'CONOR DON hoped the Amendment would not be pressed. There was a chance of the Bill not being renewed if it were continued for two years; and it was very undesirable that such a Bill should be brought in year after year, by which means it would come to be regarded as a matter of course.

MR. BUTT said, he could not withdraw his Amendment. He did not wish that Bill, like the institution of the Council of Ten in Venice, to be renewed again and again, as a matter of course, till it became permanent; and, instead of renewing it till a new Parliament had assembled, he wished to see whether, with the prospect of a Dissolution, hon. Members would vote for the Bill, or, what was still worse, skulk out of the House to avoid voting.

Question put, "That the word 'five' stand part of the Clause."

The Committee divided:—Ayes 107; Noes 28: Majority 79.

MR. RONAYNE proposed the addition of the following Proviso at end of clause:—

"Provided always, That Clause 8 of 'The Peace Preservation (Ireland) Act, 1870,' shall be and is hereby repealed."

The Act which was now about to be renewed by hon. Members who had never read it, and did not know what it was, was simply a repetition of the Whiteboy Act of 1776, which was passed against tumultuous assemblies in Ireland. It was proposed to renew that Act without the safeguard given by the provision requiring proof to be given that the assemblies were tumultuous.

MR. BUTT said, that the Whiteboy Act of 1776 was a very severe measure; but the Judges, looking at the Preamble of the Act, ruled that it only applied where there was an insurrectionary state of things. But what did the Act of 1870 do? It substituted the proclamation of the Lord Lieutenant for proof of an insurrectionary state. The town of Belfast

was proclaimed not long ago, and this Coercion Act came into operation, for which there was no excuse. He would ask whether it was necessary to apply the Whiteboy Act at this time?

THE MARQUESS OF HARTINGTON said, he should accede to the Amendment.

Amendment agreed to.

MR. MUNSTER moved the addition of the following Proviso at end of clause:—

“Provided always, That Clause 15 of ‘The Peace Preservation (Ireland) Act, 1870,’ be and is hereby repealed.”

The object of the Amendment was to repeal the clause which gave special powers to search private houses for threatening letters and other documents. There were cases in which, under a search-warrant, young ladies’ love-letters had been seized and made public in a police court, and to prevent the recurrence of such things he proposed his Amendment.

MR. BUTT supported the Amendment, and gave instances in which the powers conferred by the clause had been abused. In his opinion, the clause might be safely dispensed with.

MR. PIM said, that the clause in question was highly objectionable, and ought not to be retained unless the noble Lord the Chief Secretary for Ireland could assure the Committee that it was absolutely necessary.

THE MARQUESS OF HARTINGTON said, that the writing of threatening letters was one of the offences still most prevalent in Ireland, and most frequently referred to in the charges of the Judges. There was no offence more easily committed, or which produced greater alarm or worse consequences. The Committee should bear in mind that the Government did not advocate provisions like this as good in themselves, but because they were necessary.

MR. LIDDELL commented on the inconvenience under which the House suffered, when legal questions affecting Ireland were discussed, in consequence of the inability of the Government to get an Irish Crown Lawyer returned to Parliament.

DR. BALL bore his testimony, as an Irish lawyer, to the fact stated by the noble Lord the Chief Secretary for Ireland, that the sending of threatening

letters was one of the most prevalent offences in Ireland, as it was also one of the most cruel, and created an amount of suffering perhaps greater than any other. It therefore required severe laws to repress it.

Amendment negatived.

MR. MUNSTER moved the addition of the following Proviso at end of clause:—

“Provided always, That Clause 23 of ‘The Peace Preservation (Ireland) Act, 1870,’ be and is hereby repealed.”

The clause in question gave power to the constabulary to arrest, and to the magistrates to commit to prison for six months, persons who were out-of-doors between sunset and sunrise who were unable to give a satisfactory account of themselves.

Amendment proposed,

At the end of the Clause, to add the words “Provided always, That Clause 23 of ‘The Peace Preservation (Ireland) Act, 1870,’ be and is hereby repealed.”—(Mr. Munster.)

THE MARQUESS OF HARTINGTON defended the clause as one of the most efficient provisions of the Peace Preservation Act.

MR. BUTT denounced the clause as a “Curfew” clause, which permitted the arrest of a man who should be found out between sunset and sunrise, and, at the discretion of the magistrate, his imprisonment for six months with hard labour.

MR. MATTHEWS thought that before such a clause was pressed the House should have evidence of its necessity. How could they, without such evidence, ask a Parliament representing free men to assent to such a clause? He protested against clauses of that character, which involved the liberty of the subject, being passed *sub silentio*.

MR. CHICHESTER FORTESCUE reminded the Committee that the exceptional power given by the clause could only be exercised in the case of specially proclaimed districts. If any districts were specially proclaimed without necessity, the House would have a right to call the Irish Executive to account.

MR. HAMBRO said, that as an English Member, he would vote against every one of those clauses, provided he saw the Irish Members come down in a body to oppose them; but when he saw, night after night, empty benches, he



concluded that the Irish Members had no case against the Government.

Mr. RONAYNE said, that the clause prevented even courting among the Irish peasantry.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 24; Noes 124: Majority 100.

Mr. MITCHELL HENRY moved the addition of the following Proviso at end of clause—

"Provided always, That Clause 25 of 'The Peace Preservation (Ireland) Act, 1870,' shall be, and the same is, hereby repealed."

That clause, as it stood, said that it should be lawful for any constable or "other person" to arrest and bring before any justice of the peace any stranger sojourning or wandering in any district specially proclaimed. At the present time there were five counties either wholly or partly proclaimed, and recently the town of Belfast had been proclaimed.

*Amendment negatived.*

Mr. BUTT moved the addition of the following Proviso at end of clause—

"Provided always, That no warrant to search for arms under 'The Peace Preservation (Ireland) Act, 1870,' shall be executed before sunrise and after sunset."

THE MARQUESS OF HARTINGTON said, he could not accept the Amendment, for he thought that if the police had power to search for arms they should have that power at all times. Returns would be placed on the Table showing cases in which the Act had been put in operation.

Dr. BALL said, that Returns would be of very little use; the real effect of an Act of this kind was not to be found in the cases in which it was put in force, but in the evils which it had prevented.

*Amendment negatived.*

*Amendment proposed,*

At the end of the Clause, to add the words "Provided always, That Clauses 30, 31, 32, 33, and 34, of Part 3 of 'The Peace Preservation (Ireland) Act, 1870,' shall be and are hereby repealed."—(Mr. P. J. Smyth.)

THE MARQUESS OF HARTINGTON said, he could not assent to the repeal of these clauses, but was willing to assent to a Proviso of which the hon. Member for Limerick (Mr. Butt) had given Notice, namely—

*Mr. Hambro*

"That no notice given to any newspaper before the passing of this Act, in pursuance of Clause 30 of 'The Peace Preservation (Ireland) Act, 1870,' shall be sufficient to subject the publisher or proprietor of any such newspaper to any penalty or proceeding in relation to any matter or thing published after the passing of this Act."

It had rarely been found necessary to put the provisions of the clauses in force, and then only to the extent of giving warning; in addition, he must say they had been beneficial in preventing the publication of invitations to assassination.

Mr. MATTHEWS condemned the clauses on the ground that they left it to the will and discretion of the Lord Lieutenant to give notice to a newspaper if it merely appeared to him that it contained seditious matter.

Mr. SYNAN urged that the word "treasonable" should be struck out of the 30th clause.

Sir JOHN GRAY did not go so far as the hon. Member who had just spoken. He thought treason should be severely punished; but he suggested that the word "sedition" should be struck out.

Mr. BUTT also thought that treason should be severely punished, but it was already provided for by the common law. The words "encouraging sedition" which occurred in the clause had no meaning.

Dr. BALL said, that if the word "sedition" was struck out, it would only raise the question in every case whether an offence which might be really treasonable was not one of mere sedition. The end of the clause would be defeated if seditious offences were excluded from its operation, for the power was only given because they had confidence in the Executive. He would freely admit that the power ought not to be exercised except in cases where the public interests imperatively demanded it.

Mr. CHICHESTER FORTESCUE said, that the Irish Government would only be able to exercise these powers subject to investigation of the matter in a Court of Law, by proceedings taken against by the party aggrieved for damages and compensation.

Mr. BUTT said, he was not so certain of the proper exercise of the power for the future. In any case the paper would be suppressed first, and after the wrong was done there could be an action

for damages; so that there would be punishment first and inquiry afterwards.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 25; Noes 111: Majority 86.

THE O'CONOR DON moved a Proviso, repealing the 39th clause of the Peace Preservation Act, which enabled grand juries to fine districts in which agrarian crime had been committed.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That section 39 of 'The Peace Preservation (Ireland) Act, 1870,' shall be and is hereby repealed."—(*The O'Conor Don.*)

Question put, "That those words be there added."

The Committee *divided*:—Ayes 13; Noes 85: Majority 72.

On the Motion of Mr. BUTT, the following Proviso was *agreed to*, and *added to the clause*—

"Provided always, That no notice given to any newspaper before the passing of this Act, in pursuance of Clause 30 of 'The Peace Preservation (Ireland) Act, 1870,' shall be sufficient to subject the publisher or proprietor of any such newspaper to any penalty or proceeding in relation to any matter or thing published after the passing of this Act."

MR. BUTT then moved the addition of the following Proviso, at end of clause—

"Provided always, That so much of the 3rd Clause of 'The Protection of Life and Property in certain parts of Ireland Act, 1871,' as enacts that no writ of habeas corpus shall issue to bring up the body of any persons so arrested, committed, or detained shall be and the same is hereby repealed."

THE MARQUESS OF HARTINGTON said, he would make inquiries, and if it was not really necessary to retain the original words they should be taken out.

Amendment proposed,

At the end of the Clause, to add the words "Provided also, That no person committed under this Act shall be detained in prison for a longer period than six months without being brought to trial."—(*Sir John Gray.*)

THE MARQUESS OF HARTINGTON opposed the Amendment.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 12; Noes 46: Majority 34.

Clause, as amended, *agreed to*.

Preamble *agreed to*.

Bill *reported*; as amended, to be considered upon *Monday next*.

#### WAYS AND MEANS.

CONSOLIDATED FUND (£12,000,000) BILL.

Resolution [May 15] *reported*;

"That, towards making good the Supply granted to Her Majesty for the Service of the year ending the 31st day of March 1874, the sum of £12,000,000 be granted out of the Consolidated Fund of the United Kingdom."

Resolution *agreed to*:—Bill *ordered to be brought in* by Mr. BONHAM-CARTER, Mr. CHANCELLOR of the EXCHEQUER, and Mr. BAXTER.

Bill *presented*, and read the first time.

#### REGISTRATION (IRELAND) BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Law of Registration in Ireland, so far as relates to the year one thousand eight hundred and seventy-three; and for other purposes relating thereto, *ordered to be brought in* by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 165.]

#### JURIES (IRELAND) BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Law relating to Juries in Ireland, *ordered to be brought in* by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 166.]

House adjourned at Two o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, 19th May, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Prevention of Frauds on Charitable Funds\* (122).

*Second Reading*—Marriages Legalization, St. John's Chapel, Eton\* (99); Oyster and Mussel Fisheries Order Confirmation\* (95); Pier and Harbour Orders Confirmation\* (96); Superannuation Act Amendment\* (113).

*Third Reading*—Railway and Canal Traffic\* (112), and *passed*.

ENDOWED SCHOOLS COMMISSIONERS—KING EDWARD VI.'S GRAMMAR SCHOOL, BIRMINGHAM.

#### MOTION FOR AN ADDRESS.

THE MARQUESS OF SALISBURY, in moving an Address to Her Majesty, praying that Her Majesty will withhold

Her consent from the Scheme of the Endowed Schools Commissioners in respect of this School, said, it would be in the recollection of their Lordships that when the Act which gave power to the Endowed Schools Commissioners was passing through that and the other House there was no opposition to it on the ground of principle. That peaceful passage was due to two understandings—and at that time more value was attached to understandings than now, with our improved experience, it was perhaps customary to attach to them. One of the understandings to which he referred was that conveyed to Parliament in the celebrated speech of Mr. W. E. Forster when he said that well-managed schools had nothing to fear from the Bill. The second understanding was that the Church of England should not be disturbed in the management of schools which the Founders had clearly intended should belong to her. Now, the Free Grammar School of King Edward the Sixth, in Birmingham, must be well known to their Lordships by reputation at least—they knew it well as a school attached by its Royal Founder to the Church of England, and as being one of the most liberal and one of the most successful of those foundations which were so much to the honour and advantage of this country. It was founded by King Edward the Sixth in the year 1552, and its charter contained this ordinance—

“The Governors, with the advice of the Bishop of the diocese for the time being, from time to time may make, and have power to make, fit and wholesome statutes and ordinances concerning the order, government, and direction of the school.”

It was difficult to imagine how any school could have been attached to the Church of England in a more distinct and direct manner. Indeed, he did not know how it was that this School had escaped coming under the 19th section of the Endowed Schools Act, which provided that where the Founders of a school directed that the children should be instructed according to the doctrines or formularies of any particular Church or Denomination, the Commissioners should not interfere with that intention. Now, if in any law or charter it was provided that certain authorities were to act under the advice of the Lord Chancellor, the presumption would be

that they were to act in accordance with the laws of England; or, if under similar circumstances, any authority was to act under the advice of the Bishops and Clergy of the Church of England, you would conclude that such authority was to act in accordance with the principles of the Church of England. Accordingly, for 300 years the interpretation put on the foundation of this King Edward's School was that it was a Church of England foundation; and this interpretation was recognized in the Act of 1831—which was one passed not in the days of Tory ascendancy, but in a reforming Parliament and under the Ministry of Lord Grey. It was provided by that Act that the head master should be a clergyman of the Church of England, that the assistant master should be a clergyman of the Church of England, and that all the other masters should be members of the Church of England, and that the boys who received religious instruction should be well grounded in the fundamental doctrines and principles of the Christian religion. That was the state of things found when the Endowed Schools Commissioners stepped in. They propounded a Scheme which entirely deposed the Bishop of the diocese, in respect of the authority which they had possessed over the endowment for 300 years, and removed the School entirely from under his advice. The head master and the assistant masters need no longer be clergymen of the Church of England, or even members of that Church. There was no provision whatever for ascertaining whether the children were instructed in the doctrines of the Christian religion. The solitary provision relating to the religious education was that contained in the 55th clause of the Scheme of the Commissioners, which said—

“Subject to the provisions herein contained, the Governors shall make proper regulations for the religious instruction to be given in the several schools.”

It was therefore suggested that the appointment of Governors provided some substitute for the powers that were taken away, and that in the character of the Governors there would be found security that this would still remain a religious School. Unfortunately, the truth was exactly the other way. The old Governors were swept away, and their

places were filled up by a Scheme which was somewhat complicated, and the working of which was to some extent obscure. Now, if it were provided that one portion of the Governing Body should be elected by the rest, the principles of the whole Body would be the principles of the majority of those who appointed the rest. The question, therefore, was—how were the Governors to be elected? Some of the members were to be elected by co-optation—a plan which the Endowed Schools Commissioners had frequently introduced. Of the remainder, eight were to be elected by the town council and four by the School Board. The School was therefore handed over entirely to the town council. Now the town council of Birmingham were no doubt excellent men, but they had distinguished themselves of late years by their extreme and passionate dislike of religious instruction in public schools, and had even gone so far as to set themselves against the laws of the country by declining to levy a school rate, because some fees might be given to denominational schools. To give the School over to the town council without a single provision guaranteeing the Christianity of the School was in reality to give it over to secular instruction. He was told that a noble Lord, a member of the Endowed Schools Commission (Lord Lyttelton), had presented a Petition from the town council of Birmingham which declared that the council were extremely anxious this Scheme of the Commissioners should be adopted. He had no doubt of it—but that was no reason why Parliament should adopt it. The town council might be very glad to take some of the churches of Birmingham and apply them to the use of other religious bodies; but was that any reason why Parliament should hand those churches over to them? The question really was this—to whom did this School belong? It most certainly did not belong to the town council. It must not, however, be imagined that this School had been conducted on narrow or exclusive principles. He believed that as far as was possible, consistent with religious teaching, it had shown the greatest tenderness for the religious feelings of those who were not members of the Church of England: a liberal conscience clause had been in operation; there had always been a large number of Nonconformists in the

Schools, and they had united so fully in the spirit in which the Conscience Clause had been passed, that they had never taken advantage of it, and he was informed that the only persons who used that conscience clause were Jews. A Return published in 1869 showed that in the classical school there were 191 pupils belonging to the Church of England and 98 Nonconformists; in the English schools the numbers were 150 and 86 respectively, and in the lower school 41 and 24; or a total of 382 members of the Church of England as against 208 Nonconformists. In the elementary schools for boys the Church of England pupils were 318 and the Nonconformists 332. On the face of these figures, it was impossible to say that the education given in King Edward's School was administered in any exclusive spirit. He presumed that when Mr. Forster said that well-managed schools had nothing to fear from the Endowed Schools Bill, his Colleagues must have understood him as having used them in some other than their English sense, or the Department he represented would have vetoed this Scheme; for what said Mr. Green, the Assistant Commissioner, with reference to the management of the School—

“It is universally admitted that the present Board has discharged its duties with all care and conscientiousness. Among all classes there is a general pride in the school, a general admission of the benefits which it has conferred on the town, due in great measure to the judgment of the Governors in their selection of head masters, and a general desire to maintain or elevate its character as a place of high education.”

The Commissioners themselves also bore the highest testimony to the manner in which the School had been conducted, and the most earnest appeals had been made by the present head master, the late head master, and Dr. Gifford, who was head master from 1848 to 1862, that the character of the School might not be changed. Their Lordships were aware that Dr. Lee, the late Bishop of Manchester, was formerly head master of the School. What did Mr. Benson, the Master of Wellington College, say in allusion to that right rev. Prelate?—

“I believe there never was a greater teacher than Dr. Lee, nor one more devoted to the promotion of every branch of study, scientific and artistic as well as literary; but I remember his

saying that a recognition conveyed in a sentence of *The Quarterly Review* to the effect that 'the great school had been the centre of Christianity to that great town' conveyed the 'one idea which had inspired all his labour.'

There were a number of objections to the different details of the Scheme of the Commissioners; but the objection which he (the Marquess of Salisbury) wished to bring most prominently forward, and that on which he challenged the decision of their Lordships, was that for 300 years this School had belonged to the Church of England, and that they would withhold their consent to a Scheme which proposed to take away every guarantee that now existed for giving a Christian education, and would hand the foundation over to a body who were notoriously in favour of secular education. Among the minor objections to the Scheme were these—that it took the management of the middle school from the head master; that it interfered improperly with the higher education for which the School had been so justly celebrated; that the Governing Body were not to be allowed to act by sealed document until after seven days' notice had been given; a prohibition which would prove a serious obstacle to efficient management. Then there was a clause in the Scheme which he regarded as not only objectionable, but dangerous. It was in these words—

"The Charity Commissioners may from time to time, in the exercise of their ordinary jurisdiction, frame schemes for the alteration of any provisions of this scheme or otherwise for the government or regulation of the Foundation, provided that such schemes be not inconsistent with the first clause of this scheme, or with anything contained in the Endowed Schools Act, 1869."

The Endowed Schools Commissioners were obliged to lay their schemes before Parliament; but, after those Commissioners had acted and Parliament had expressed its opinion it would be in the power of the Charity Commissioners, if this Scheme were adopted, to act of themselves and alter the provisions of the Scheme without any sanction from Parliament. The opinion of Mr. Fry had been taken on the clause. There could be no higher opinion, and he believed that, according to Mr. Fry, such would be the effect of the clause. Surely their Lordships would not sanction such a delegation of the powers of Parliament

*The Marquess of Salisbury*

to the Charity Commissioners? Still more objectionable in itself, and contrary to the wish of every one in Birmingham, it would remove the School from its present site in the town and place it in the outskirts. The town council of Birmingham numbered among its members men of distinction, but that council appeared to have an extreme and passionate dislike of religious instruction. It had gone so far as to set itself against the law of the country by refusing a school rate because a portion of it might be given for religious instruction. He hoped, therefore, their Lordships would not be led to approve the Scheme because it had the approbation of the town council of Birmingham. The noble Earl opposite (the Earl of Ducie)—acting apparently under inspiration—had given Notice of certain Amendments but their Lordships' only power over the Scheme was that of omission—the power of excision. He had no doubt the noble Earl could use the scissors with great skill, but he could not make this Scheme acceptable to those who had the management of the School. It was one brought forward by an expiring Commission and submitted to a Parliament which was also expiring; but he hoped their Lordships would listen to the appeal of the Governing Body of the School, and would refuse their sanction to this Scheme, and would not allow this great wrong to be done.

*Moved* that an humble Address be presented to Her Majesty, praying that Her Majesty will withhold her assent from the scheme of the Endowed Schools Commissioners relating to the Free Grammar School of King Edward VI. in Birmingham.—(*The Marquess of Salisbury.*)

THE EARL OF DUCIE said, he desired to speak with the most profound respect of the Governing Body of this School. He believed it was a most excellent one, and that the School had been ably and liberally conducted; but the Governing Body was in every sense a self-elected body, entirely irresponsible to every one, and the very fact that a large number of Nonconformist pupils were in the habit of attending it was a reason why Nonconformists should have a share in the government. There was a strong feeling in Birmingham that the Governing Body should be a representative one. The Governing Body had been for a long time, if not always, composed exclusively of mem-

bers of the Church of England, and, as he was informed, of the politics of the noble Marquess who had just addressed their Lordships, and it was therefore desirable that some alteration should be adopted which would give to other parties some chance of enforcing their views. He was afraid that if this Scheme were rejected there would be very considerable dissatisfaction in Birmingham. There were various suggestions made in the scheme of the Endowed Schools Commissioners which were not unpalatable to either party. For instance, with respect to the admission of scholars and the payment of fees, he believed both parties were entirely agreed; and he, for one, should much regret that, by the postponement of the Scheme, those matters upon which all parties were agreed, should be prevented from being adopted. He therefore ventured to urge upon their Lordships certain alterations in the Scheme, which would not affect the general principle on which the Endowed Schools Commissioners were acting; and at the same time he wished to observe that the alterations he should ask them to adopt were confined chiefly to matters of detail, and would in no way interfere with the future condition of the schools. The Amendments of which he had given Notice were confined to three points. The first was the omission of a certain portion of Clause 29, which would in his opinion tend to reduce the sense of responsibility thrown upon the Governing Body. The next point was to omit Clause 51, which affected the site of the building. The schools were not at present advantageously situated in Birmingham, and it had been urged that the commercial value of the site was so great that the Governors were not justified in remaining where they were. As against that, however, there was the fact that the schools were placed in close contiguity with the railway stations, and scholars were able to come to the schools from all the suburbs of the town. In this case the people of Birmingham were all agreed that the schools should remain on their present site. His Amendment did not make it compulsory upon the Governors to remove to another site; but if the schools ultimately attained such a position that it would be necessary to remove them, it gave the Governing Body the power of removing

them. The third point he had to ask the House to consider was with reference to scholarships. He asked their Lordships to omit paragraph 1 in Section 114, not so much in the interest of the poor, as in the interest of those who were comparatively rich, so that those who preferred to send their sons to other private grammar schools should be enabled to avail themselves of the advantages of the Birmingham Grammar School. He hoped that Her Majesty's Government would consent to accept his Amendments, as, if they did, they would be able to adopt the scheme of the Endowed Schools Commissioners. The noble Earl accordingly moved the first of the Amendments of which he had given Notice.

Amendment *moved*, after the word ("from") to insert the words ("so much of").—(*The Earl of Ducie*).

THE MARQUESS OF RIPON said, he must commence by expressing his dissent from his noble Friend (the Marquess of Salisbury) as to the two "understandings" which his noble Friend so strongly relied on in his opposition to this Scheme. First, as to the interpretation put by his noble Friend on the words used by Mr. Forster that schools like that now under consideration would not be interfered with by the Bill. If his noble Friend would refer to what passed in their Lordships' House when the Endowed Schools Bill was under discussion he would find that the noble Duke opposite (the Duke of Richmond) did not in 1869 understand the matter as his noble Friend now said he understood it. In Committee on the Bill the noble Duke asked him whether Christ's Hospital ought not to be treated in an exceptional manner and excluded from the operation of the Bill, which would otherwise have a very disastrous effect upon it. The noble Duke's words were—

"He wished to press upon the noble Earl (Earl De Grey and Ripon) who had charge of the Bill the propriety of treating it (Christ's Hospital) in an exceptional manner and of excluding it from the operation of the Bill, which would otherwise have a very disastrous effect upon it."—[3 *Hansard*, cxvii. 1866.]

And speaking for the Government in their Lordships' House, what was his reply? Did he say that the Commissioners would not deal with Christ's Hospital? Nothing of the kind. He referred to Christ's Hospital and to

some six or seven schools in all, including this very School at Birmingham, which were to be allowed one year to bring forward schemes of their own, and in the most distinct terms he stated that if they did not do so they would be dealt with by the Endowed Schools Commissioners in the precise manner in which this school had been dealt with. And it was with a statement such as that on record his noble Friend came down to that House and said that the Government had given Parliament to understand that Schools like the King Edward's School would not be touched by the Commissioners! The second "understanding" relied on by his noble Friend was that schools connected with the Church of England would not be touched. Now, this was a matter not of "understanding," but of law. His noble Friend wondered that this School was not held to come under the 19th section of the Endowed Schools Act. He believed that until that night no one had ever made such a suggestion. He believed his noble Friend was the first who had ever put forward that view of the case:—the Managers of the School had never imagined that they were under that clause. His noble Friend said matters were going on as they had gone on for 300 years, till the Endowed Schools Commissioners intervened; but the fact was that the Commissioners were not to intervene in the first instance without necessity—it was the Act of Parliament which intervened—it was for the Governors themselves to propose a scheme in the first instance, which would be dealt with by the Commissioners—and that they had done; and it was only after receiving the Governor's Scheme that the Commissioners took action. He did not dispute the terms in which his noble Friend had spoken of the Governing Body; but it would be a mistake to suppose that much dissatisfaction had not been expressed in Birmingham in respect of the arrangements of the School. In 1864 a society was formed in Birmingham, called "the Grammar School Reform Association," for the purpose of bringing about a change in the management and organization of this King Edward's School. In that association were several clergymen of the Church of England and a gentleman who had contested Birmingham in the Conservative interest. A

*The Marquess of Ripon*

deputation from Birmingham came up and made statements on the subject to the Royal Commission on Endowed Schools, over which the late Lord Taunton presided, and among the evidence given before that Commission was the evidence of Canon Miller, from which he would venture to read this extract—

"I would wish to state emphatically to the Commissioners that I believe the point upon which I am asked to speak is the point of all others which is important in the present inquiry. I believe there is no point in connection with the School upon which the feeling is so strong in Birmingham, and which, if it were satisfactorily settled, would go so far to quiet the minds of those who are at present dissatisfied. The objection which has been taken for a great many years, and which is by no means of recent growth as far as my knowledge of Birmingham goes, is the principle of close and unmodified self-election. The effect of this principle of self-election has been that the members of all Nonconformist bodies have been practically excluded from the government of the School, though there is nothing whatever in the charter, as far as I understand, to prevent a Nonconformist from being elected. There is nothing in the Act of Parliament to that effect, and it has been merely practice. The result has further been that no member of the Town Council has been upon the Board of Governors. The result has further been that no gentleman who has ever been elected either to represent the borough in Parliament or to represent the county, with one single exception, and that the exception of a very strong Conservative, has ever been chosen by the Governors in modern times to a seat at the board. I mean by that to imply and indeed distinctly to convey to the Commissioners, that we have this practical anomaly rankling in the minds of the people, that the present system works in such a way as to exclude from the government of this trust a vast number of the most intelligent citizens, and some citizens, I am bound to say, who have taken the lead in the work of education in the town. I mean gentlemen of the Nonconformist body; and the effect has also been, and this is also rankling in the minds of the people, to shut out from the government of this School almost all the men who by popular suffrage, either as members of Parliament or members of the town council, had been called to posts of dignity and influence, and who are thereby seen to possess the confidence of their fellow-citizens. I may say without any exaggeration, that I am quite sure, from my own knowledge, that there is a very deep-seated grievance in the minds of many people in Birmingham, and that they do feel that the Board should be thrown open."

This was pretty strong testimony, and from a perfectly unimpeachable witness, as to the state of feeling in Birmingham on the present arrangements in regard to the School. It was also shown that before the Commission of 1866, the Go-

vernors themselves had great difficulty in seeking from Parliament facilities for dealing with their own schools on account of the opposition they were certain to meet with on the part of the town council in consequence of the exclusive character of the Governing Body of the School, and at last they ceased altogether to come to Parliament to give effect to their wishes. Therefore, it was not just to the Commissioners to say that they had intervened in this matter without necessity. They had intervened in accordance with the provisions of an Act of Parliament—and that being so he had no alternative but to deny the charges which the noble Marquess had brought with respect to these “understandings.” Before passing to the larger questions raised by his noble Friend opposite (the Marquess of Salisbury) respecting religious instruction and the constitution of the Governing Body, he wished to say a few words on the Amendments of his noble Friend behind him (the Earl of Ducie). With respect to that portion of the Amendment relating to the proposed new site for the School, he was informed it was in one of the principal thoroughfares of Birmingham, and it was certainly objectionable on that account; but he admitted that there was a general feeling in favour of keeping the school where it was now situated, and in this respect he accepted the Amendment; as he did also that portion of it which related to the scholarships. Some of their Lordships who were not acquainted with all the facts of this case and the position of the Education Department might be inclined to say—“If you are so ready to yield to a proposal of such a kind in this House, how comes it that you did not make this alteration when the Scheme was before the Committee of Council?” His answer to that was that the Education Department had no power to make any alterations. This House and the other House of Parliament might make alterations by way of omission, though they could not add anything; but the Education Department possessed no such power. All the Department could do under the Act of Parliament was either to approve or disapprove a scheme. This, however, was a provision which in his judgment might be beneficially altered. The Governing Body had stated that they had been advised that they had no power of coming to the Department to make any repre-

sentation except under the Appeal Clause of the Act. They might have made any representations they pleased, and there was nothing to prevent them. If they had done so, their representations would have received the utmost possible consideration; but not a single representation had been made with respect to any one of these matters. He did not blame the Governors, for they seemed to have been misled by someone in this matter; but, of course, they had prevented the Department from considering their objections in full. Many of the minor points which had been referred to were really involved in what were called the “common forms” of all these schemes. While well aware of the great temptation there was to adopt common forms, he was bound to admit it was preferable in a case like the present not to run counter to the feelings of those who were interested in the question. Leaving, however, these minor points, he turned to the greater question—whether this Scheme ought not to be passed on account of the absence of any provision for religious education. Now this part of the Scheme was in almost entire accordance with the provisions of every Scheme except those under Clause 19. A good many of these schemes were already in practical operation, and no intimation had reached him of any difficulty having arisen with respect to the operation of these clauses. His noble Friend, though he did not precisely say so, seemed to imply that the result of the operations of the Governing Body would be the total banishment of religious instruction from this School. It was impossible, however, without a violation of the provisions of this Scheme, for the Governing Body to set up a secular school in lieu of that provided by the Scheme. The words of the Scheme were that “subject to the provisions therein contained, the Governing Body shall make proper regulations for the religious instruction of the schools.” It seemed to him, therefore, that the Governors could not refuse to make provision for religious instruction. The practical question which would have to be settled by the future Governing Body would be whether that instruction should be in accordance with the doctrines of Church of England, or of the nature of that given in the British and Foreign Schools Society’s



Schools. That was what the Governors would have to decide. The noble Marquess had given the figures, which showed that there was a very large number of the children of Nonconformists in the School; and he (the Marquess of Ripon) begged their Lordships to bear in mind the fact that out of 1,800 children in 1869, not less than 800 were the children of Nonconformists. The noble Marquess declared that the effect of the Scheme would be to hand over the government of the School to the town council of Birmingham. But surely this was not so. The proposal of the Scheme was that of the 23 Governors, eight were to be elected by the town council, four by the School Board of Birmingham, one by the teachers of the Upper School, and ten by the existing Governing Body of the School. And the noble Marquess called this handing over the School to the town council! Hereafter, when the Governing Body would be reduced from 23 to 21, there would never be more than eight elected by the town council. The noble Marquess expressed his fear that the government of the School would be handed over to a secularist body, the town council of Birmingham. But in order that that should be, it was necessary to assume that all these Governors would be of one shade of opinion, and all favourable to secular education. It was unlikely, however, that a great public body like the town council would be inclined to choose persons of a single type of opinion. At all events, the ten elected by the existing Governing Body, the one Governor elected by the teachers of the Upper School, and the four elected by the School Board would represent other and different shades of opinion. He understood that the Chairman of the School Board was one of the existing Governing Body, and that the Vice Chairman was a Conservative candidate at the last election for the borough. What was the course taken by the Commissioners in framing the Governing Body? The Commissioners had before them three proposals for the future government of this School—one from the town council, another from the present Governing Body, and a third from the Grammar School Reform Association. They had also the suggestions of Lord Taunton's Commission; and all these various schemes had been considered. Lord Taunton's Commission proposed

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10 members elected by the town council and 11 members by the whole Board, not giving any power whatever to the existing Governors. The scheme presented by the Governors made a very remarkable proposition, considering the state of public feeling described by Canon Miller. They proposed 5 members elected by the town council, 5 by the borough justices, and 11 co-optatives, but they proposed that no change should be made until the existing body had died out, when these new elements should be infused into the Governing Body. That would not have satisfied the people of Birmingham or the Grammar School reformers? If the proposal of the Governing Body was somewhat immodest, he was bound to say that the proposal of the town council was no less so. They proposed that the Governing Body should be chosen exclusively by the town council. The Grammar School Reform Association on their part suggested that it should consist of 8 members of the town council, 4 elected by the School Board, and that the co-optatives should never exceed 6. If the Commissioners had wanted to hand over this institution to the town council, they would have adopted the proposal of the town council. The Commissioners did not do that, and they also rejected the proposal of the Governors—they took, as the basis of their Scheme, the more moderate intermediate proposal of the Grammar School Reform Association, but made the proposal more favourable to the existing Governing Body. In submitting these facts, he thought he had established, in the first place, that in dealing with these Schools, neither the Commissioners nor Her Majesty's Government had in the slightest degree departed from the statements which they made to Parliament when the Act was being passed. He thought he had also shown that, until his noble Friend had mentioned it to-night, no one ever asserted that the School came within the 19th clause of the Act. He had also shown that there was now, and had been for many years, a large amount of dissatisfaction about the Governing Body; and he had also shown that out of the various local proposals the Commissioners had adopted that one which was most moderate, and had even modified it so as to make it even more favourable to the existing Governing Body. He earnestly trusted that, under circumstances

such as these, their Lordships would not reject this Scheme; contrary to the almost unanimous opinion of the people of Birmingham. There were no objectors to the Scheme except the Governing Body; and he ventured to say he did not think his noble Friend would effect the object he had in view if he induced their Lordships to reject the Scheme. There was nothing in the past history of this matter which would lead anyone to suppose that the desire of the town of Birmingham to have a larger share in the management of this School was likely to grow weaker—he believed, on the contrary, that the rejection of this moderate proposal would strengthen that desire. He could not help thinking if the Scheme was rejected now, noble Lords opposite, who might have to deal officially with the question instead of those who now sat behind him, would think twice before they ventured, under the responsibilities of office, to resist the almost unanimous opinion of the people of Birmingham.

EARL GREY said, he had all along understood that the Commissioners would not interfere with any schools which were found to work well; but this rule did not seem to have been at all adhered to. The only reason alleged for the proposed modification of the Governing Body, was that there was a great number of Nonconformist children in the School; but he (Earl Grey) drew a different conclusion from that fact. The number of Nonconformists was to him a conclusive proof that the School had been fairly administered by the Governing Body. The modification of the Governing Body not being necessary to secure fair play to the Nonconformists, would it tend to improve the government of the School? He did not think it would. He thought that if they admitted these conflicting parties strong partizan feelings would arise. He thought the School Boards generally—not of one party, but on both sides—had wasted much of their time in disputes on matters of a worthless character, instead of applying themselves to the working of the schools. He believed, for this reason, that it would be an unfortunate occurrence if they were to throw into the Governing Body a large infusion of Nonconformists; and therefore, however unwillingly, he must support the Motion of the noble Marquess.

LORD LYTTTELTON said, he looked upon this question both as an Endowed School Commissioner and as a near neighbour of the town of Birmingham; and he could not but regret that the Governing Body of King Edward's School had thought fit to invoke the assistance of the noble Marquess to throw out this Scheme. If they succeeded, they would make themselves most unpopular, and give the greatest dissatisfaction to almost the whole people of Birmingham—and surely the feelings of the inhabitants of the town should be consulted on the question. The town council on this question were the representatives of the feelings of the inhabitants of the town. For many months a bitter agitation had prevailed upon this matter, which had been put to rest by the promulgation of the Scheme of the Commissioners; and until a short time ago the Commissioners had believed that they had satisfied even the Governing Body themselves upon most points. No scheme and no body of Governors had received more attention than this Scheme and the Governing Body of King Edward's School had received from the Commissioners. The opposition was founded, in the first place, on the religious character of the teaching in the School. The noble Marquess was not correct in saying that this was distinctively a Church of England School. He rested his whole case on the terms of the foundation deed—that the statutes and ordinances of the School should be based "upon the advice of the Bishop;" but these words were not sufficient to bring the School under the words of the 19th section of the Act. According to that clause, in order to constitute a Church of England school there must be express words requiring that the children of the School should be taught according to the doctrines and formularies of the Church of England. If the construction of the noble Marquess prevailed, a large number of schools must come under the same construction—indeed almost the whole body of the more ancient endowments of the country would be handed over to the Church of England. His own personal predilection was in favour of such a proposal, if Parliament chose to adopt it; but that was a general question, and under the present law it was impossible by any reasonable construction to bring this case under the

19th section of the Act. The noble Marquess complained of the Scheme because it not only abrogated the Church of England character of the School, but substituted nothing of a religious character for it. This part of the question had been fully argued before in reference to a previous scheme for a Church of England school, and he could now only repeat what he had said before the Committee of the House of Commons—that the Commissioners would never undertake to indicate any definite and specific religious teaching for schools in their schemes, unless they could connect it with some standard of a religious body—they were not competent to do it. They left it to the managers of the schools—the best judges; but he would say, without hesitation, that he hoped and believed that many schools would follow the example of the school at Ripon and provide the teaching of the Church of England accompanied by a due protection of conscience. Speaking from some degree of local knowledge he could only say it was to him a marvellous instance of blindness on the part of any one who knew anything of Birmingham to suppose there was any chance of passing under this Act through Parliament a scheme which would give the Church of England any more definite advantage than it would have under this Scheme. No such scheme would meet the wishes or disarm the opposition of the people of Birmingham. With regard to the Governing Body, the word “co-optative” seemed to be imperfectly understood. It was sometimes assumed that, as used in the schemes, it meant “self-elected,” and that that part of the Governing Body described as the “co-optative” element was to fill up vacancies in its own number. But the meaning in the schemes was that all the members of the Governing Bodies were to elect the future co-optative members.

THE MARQUESS OF SALISBURY said, his objection was that in the long run the non-co-optative members would have the absolute power.

LORD LYTTTELTON said he did not apprehend that result. In these bodies there must be a majority on one side or the other; but he never understood it to be admitted that the result would be to give the absolute preponderance to majorities. The minority would always have a fair weight. He greatly

regretted that in deference to the public opinion of Birmingham the Commissioners had been obliged to give up the *ex officio* element, which in his opinion was a very important element. But still he did not believe that the town council would wholly control the other elements of the Governing Body. They would have eight members out of 21; a member would be nominated by the teachers; four more would be elected by the School Board, which happened to be, and was likely to continue, in direct antagonism to the town council, and the remaining eight would be the co-optative members. He denied that any one element would be able to swamp the others. The town council had not got all they asked, nor anything like it; a compromise had been made with other interests. What really underlay the objection urged against the town council was that such a body was not a worthy body to have charge of education; but this was a general objection to the unfitness of town councils for educational responsibility which was not for the Commissioners to entertain. If there was to be a popular element at all in educational bodies the Commissioners must take that which was provided by law. He did not admire the system of School Boards in all respects; but they too were provided by Act of Parliament, and town councils and school boards were the best representative bodies that the Commissioners could find. As to the often quoted remark of Mr. Forster, that good schools would not be interfered with by the Act, there were two or three answers. In the first place, everything depended on what a good school was. A school might be a good school now, but might not be a good school 10 years hence; and their object was to attempt to give security for the perpetuity of their goodness. A good master almost always made a good school, and that might be no security for its remaining so when he was removed. In the next place, a good school would not be injured by the action of the Commissioners. He denied—that had been asserted—that “a School” meant the “Governing Body”—it meant the boys and the system; and Mr. Forster never meant that a Governing Body was not to be interfered with. He did not admit that the Birmingham School was a perfect School. It was true that there was a complimentary allusion

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to it in the Report of Lord Taunton's Commission—of which he was himself a member—the School was then making rapid progress; but compare its present system and means of education for all classes with those provided under the Scheme, and the results which might be attained under it if it were well worked out, and no one could deny that there was a prospect of much further improvement, which the Governing Body could not effect now with anything like the completeness they could under this Scheme. As to impairing the control of the head master, that was, in some degree, inevitable, seeing that new schools—girls', technical, and second grade—were to be created, and elementary schools made third-grade schools; he could not fully supervise all, but still he would have some control over the middle schools, and over important parts of the system in the subordinate schools. The next objection was that the Commissioners proposed to raise the cost of education in the upper school. They certainly did. The foundationers would receive the same advantages as at present, but with respect to the others, the Commissioners did hope that Parliament would see fit to agree with them in a general rule making all boys at all those schools pay very nearly, although not quite, the value of the education they received, unless by their own merit they earned the privilege of exemption. As to the removal of the School from its present site, that was an altogether isolated point. The noble Marquess (the Marquess of Salisbury) knew very well that what was proposed in the Amendment which had been moved by the noble Earl behind him (the Earl of Ducie), was acquiesced in by the Government and the Commissioners. The Commissioners had recommended that the site of the School should be sold when a "favourable opportunity" occurred; but they had altered the word "favourable" to "convenient," lest the word "favourable" might be taken in a purely financial sense. They meant to leave the matter virtually in the hands of the Governing Body; but they thought it proper to place on record in the Scheme their opinion in favour of its removal. These were, he believed, the only points raised in the debate which required to be noticed; and he would conclude by re-

peating what he had said before, that it would be very much to be lamented if on account of points which if necessary could be dealt with hereafter the Scheme should be rejected by the House.

THE BISHOP OF BATH AND WELLS wished to state his reasons for the vote he should give with the noble Marquess. The question naturally presented itself in a twofold point of view, partly as a portion of a larger Scheme of the Commissioners, and partly as an individual Scheme. He could not help looking at it as part of a large batch of schemes, and if the Motion of the noble Marquess was rejected he believed the Commissioners would go to their work with new vigour, and a number of schemes which he looked upon as extremely unjust would come before the House and the country with additional credit. But if, on the contrary, their Lordships rejected the present Scheme, it would give a breathing time to all parties, and he trusted this particular Scheme with regard to the School at Birmingham would appear again in an improved form. This Scheme had created great alarm in his own diocese. He believed that future schemes would depend very much on what their Lordships did to-night, and, therefore, although voting against many of his Friends on this matter, he would cordially support the Motion of the noble Marquess. It had been supposed that the whole country would welcome any scheme by which the Church of England would be deposed from the control of education and a different body substituted. But if any such ideas prevailed they had been very much shaken by recent events. He by no means took a narrow or bigoted view on this subject, because when he was in Suffolk he was the Chairman of a Committee whose duty it was to consider the question of the different Endowed Schools in that county, and in many respects the schemes they proposed were very similar to that of the Commissioners. But there was this difference—the Committee did not disturb the good schools recklessly, nor interfere with arrangements that worked well—and it appeared to him that the Commissioners were doing quite the contrary. In his opinion this Scheme partook largely of injustice, and would inflict a heavy blow on the legitimate interests of the Church of England in Birmingham; and he could not see why

this should be done. There could be no possible harm in rejecting the Bill for the present, and a juster and fairer Scheme might be the consequence.

On Question that the words ("so much of") be inserted, their Lordships divided: — Contents 60; Not-contents 106: majority 46.

*Resolved in the negative.*

Then original Motion for said Address agreed to.

*Ordered,* That the said Address be presented to Her Majesty by the Lords with White Staves.

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*The Bishop of Bath and Wells.*

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#### PREVENTION OF FRAUDS ON CHARITABLE INSTITUTIONS BILL [H.L.]

A Bill to amend the law with relation to the fraudulent collection and application of Charitable Funds—Was presented by The Earl of SHAFTESBURY; read 1<sup>st</sup>. (No. 122.)

House adjourned at a quarter before Eight o'clock, 'till To-morrow, half-past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 19th May, 1873.*

MINUTES.] — SELECT COMMITTEE — Noxious Businesses, appointed and nominated.

*Report—Turnpike Acts Continuance* [No. 215].

SUPPLY—considered in Committee—NAVY ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Landlord and Tenant (Ireland) Act (1870) Amendment \* [167].

*Second Reading—Local Government Provisional Orders* (No. 2) \* [163]; Consolidated Fund (£12,000,000).\*

Committee—Conveyancing (Scotland) [108] — R.P.

Committee—Report—Gas and Water Provisional Orders Confirmation (No. 2) \* [149].

Considered as amended—Third Reading—Peace Preservation (Ireland) \* [145], and passed.

Third Reading—County Authorities (Loans) \* [134], and passed.

## LICENSING (IRELAND) BAILSMEN.

## QUESTION.

MR. W. JOHNSTON asked the Chief Secretary for Ireland, Whether he has received information of a case that is alleged to have occurred in Belfast, on the 20th of April last, when the resident magistrate refused to accept publicans as bail, and when, it is stated, they were threatened with the loss of their licences if they offered themselves as bailsmen; and, if such action has the sanction of Government?

THE MARQUESS OF HARTINGTON, in reply, said, he had made inquiry, and was informed that Mr. O'Donnell, the resident magistrate at Belfast, had not refused to accept publicans as bail on account of their being publicans, but on account of the bail tendered not being sufficient. It had been further stated that the publicans in question had been informed by the Sub-Inspector of Constabulary, that they would lose their licences if they became bail in certain cases; but the Sub-Inspector denied that he had made use of any such expression. What he did say was, that they should be careful how they became bail in connection with charges of resisting the police.

## ARMY—CLOTHING, &amp;c. OF THE GERMAN ARMY.—QUESTION.

MR. WHITWELL asked the Surveyor General of the Ordnance, Whether the British Military Attaché at the North

German Court has reported on the way in which the material of war, including provisions and clothing, is procured for the German Army; and, if such Reports have been received, whether he is prepared to lay them before Parliament?

SIR HENRY STORKS: Sir, in answer to the hon. Gentleman, I may state that the British Military Attaché at Berlin has reported from time to time on the way in which the material of war, including provisions and clothing, is procured for the German Army. As Reports of this nature are naturally confidential, my right hon. Friend the Secretary of State does not think it desirable that they should be laid before Parliament.

## THE MAURITIUS—INSPECTORS-GENERAL OF POLICE.—QUESTION.

MR. GOURLEY asked the Under Secretary of State for the Colonies, If he would state to the House why, since all previous Inspectors General of Police at the Mauritius have been allowed to reside in the country within easy access of the head office, Lieutenant Colonel O'Brien has been compelled by the Governor to reside in the town of Port Louis, to the detriment of his health?

MR. KNATCHBULL HUGESSEN: In reply, Sir, to the Question of my hon. Friend, I have to say that previous Inspectors General of Police at the Mauritius, and Colonel O'Brien himself, have resided in the country within easy access of the head office; but Colonel O'Brien having thought fit without leave to remove his residence to a considerable distance from the town, has been ordered to return to Port Louis or its neighbourhood.

## SCHOOL BOARDS EDUCATION (SCOTLAND) ACT, 1872—QUESTION.

SIR ROBERT ANSTRUTHER asked the Secretary of State for the Home Department, Whether his attention has been called to the Circular issued by the Board of Supervision in Edinburgh on the 8th instant, forbidding Inspectors of the Poor, although duly elected, to sit upon School Boards, or to hold office under them; whether such a regulation does not limit the choice of the School Board constituencies in a manner not authorized by "The Education (Scotland) Act, 1872;" and, whether such a regula-

tion is not in excess of the powers conferred upon the Board of Supervision by sec. 56 of the Act 8 and 9 Vic. c. 83?

MR. BRUCE: Sir, I have been in communication with the Board of Supervision in Edinburgh on the subject of the Question of my hon. Friend, and they inform me that the Circular of the Board is in accordance with the practice pursued during the last 23 years with respect to various offices, and its legality has never been questioned. The Board have considered it to be in their power, and that it was their duty, to prohibit Inspectors from sitting on school boards or holding other offices, the duties of which were likely to be incompatible with the due discharge of their office. One such reason in the present case is, that the duty of collecting the school-rate is, by Section 44 of the Education Act, imposed upon the Parochial Board, and that the Inspector, being the servant of the Parochial Board and ratepayers, ought not to have a voice in fixing the amount to be assessed, more especially as the Inspector is generally also collector, and would derive emolument from the school-rate in proportion to its amount. There are also several other sections of the Education Act under which the duties of member of the Parochial Board or Manager of Schools would clash inconveniently with the duties of Inspector. There is no objection, however, to their holding the offices of clerk or treasurer to the school board, as the duties of such offices are merely formal and clerical.

#### PUBLIC SCHOOLS ACT—SHREWSBURY SCHOOL—QUESTION.

MR. STRAIGHT asked the Secretary to the Local Government Board, Whether there is any foundation for the report that the Governing Body of Shrewsbury School have come to or contemplate coming to a determination to remove the School Building from its present site to a situation more than a mile outside the town; and, if so, whether before taking any further steps in the matter they will receive either a deputation or memorial from the inhabitants of the borough on the subject?

MR. HIBBERT, in reply, said, it was true that the Governing Body of Shrewsbury School had determined to remove the school from its present site, and to

remove it to a site within three miles of the centre of the town, as they were empowered to do under the Public Schools Act. They had now three different sites under consideration, but had not yet come to any decision with respect to them. In conclusion, he might say that any memorial or deputation upon the subject from the inhabitants would receive attention.

#### ARMY—ROYAL MILITARY ACADEMY, WOOLWICH—QUESTION.

CAPTAIN ARCHDALL asked the Secretary of State for War, If he will state why in the case of a candidate for admission to the Royal Military Academy at Woolwich, or for direct commissions in the Army, who may have failed to qualify at the examination before the Civil Service Commissioners, it is objected to return to him the paper in which he has so failed to qualify, and which would afford him an opportunity of knowing the mistakes he had made?

SIR HENRY STORKS: I have, Sir, made inquiry of the Civil Service Commissioners, and am informed that at the examinations for admission to the Royal Military Academy and for direct commissions, candidates are allowed to take away the printed Papers of questions; but that the Papers containing their performances are retained by the Commissioners in accordance with what they believe to be the universal practice of all examining bodies.

#### WILD BIRDS PROTECTION ACT—PENALTIES.—QUESTION.

MR. AUBERON HERBERT asked Mr. Attorney General, Whether the Penalties Law Amendment Act (28 and 29 Vic. c. 127) does not provide for the recovery of any penalty not exceeding five pounds inflicted upon summary conviction; and if therefore there is any foundation for the statement that penalties inflicted under the Wild Birds Protection Act of 1872 cannot be recovered?

THE ATTORNEY GENERAL, in reply, said, that there was no foundation for the statement referred to in the Question of his hon. Friend. The law he believed to be this—That when power was given to a magistrate, either directly or impliedly, to convict summarily, the Act commonly known as Jarvis's Act, came into operation; and there could be no

doubt that the penalties referred to were recoverable. He wished, however, to remark, that the adage said, that whenever the opinion of a lawyer was obtained without a fee, it was worth what it cost; but in the present case he hoped that the opinion was at least worth the fee.

#### POST OFFICE—PURCHASE OF TELE- GRAPHS.—QUESTION.

MR. PLUNKET asked the Postmaster General, Whether he will, before the beginning of the Whitsuntide recess, lay upon the Table of the House the Returns relating to the purchase of Telegraphs, ordered on the 1st of May to be printed?

MR. MONSELL: I fear, Sir, that it will be impossible to have this Return completed before Whitsuntide. In the first place it is a heavy Return in point of matter. In the next, the questions which are open between the Department and some Railway Companies are of such a nature as to make it necessary that the Return should be very carefully prepared.

#### ENGLISH RECORDS RELATING TO IRELAND.—QUESTION.

MR. COGAN asked the Secretary to the Treasury, If he can state whether any and what steps have been taken by the Treasury with respect to the making a calendar of English Public Records relating to Ireland?

MR. BAXTER, in reply, said, the following steps had been taken to carry out the matter referred to by the right hon. Gentleman. On the 30th of November last the Treasury sanctioned the employment of Mr. Sweetman to compile a calendar of all instruments and entries relating to Ireland from the earliest time to the end of the reign of Henry VII., and Mr. Sweetman had been employed upon the work since the 1st of April.

#### BOARD OF EDUCATION (IRELAND)— REV. MR. O'KEEFFE.—QUESTIONS.

COLONEL STUART KNOX asked the Chief Secretary for Ireland, If he has any objection to lay upon the Table, the Memorial of certain Members of the Irish Education Board, as also the names of the gentlemen who actually signed it, and the letter, docket, or other communication which was sent with it to the

Irish Office? He begged to explain that in putting the Question he did not impugn the honour of any member of the National Board, feeling great respect for all, and personal regard for some; but he thought there had been sharp practice in sending forward the memorial without the knowledge of the minority, as was shown by the Papers last laid upon the Table.

THE MARQUESS OF HARTINGTON, in reply, said, he had no objection to lay the memorial on the Table, but he could not promise to lay on the Table any letters on the subject, as they were in the nature of private correspondence.

MR. SPENCER WALPOLE said, that seeing the Notice of Motion for tomorrow respecting the Callan Schools was still on the Paper, it would be convenient to the House to know whether the right hon. Member for Kilmarnock intended, after the appointment of a Committee, to proceed with it?

MR. BOUVERIE: Sir, I do not propose to proceed with the Motion tomorrow, and I am glad my right hon. Friend has given me an opportunity of saying so. I consider—and, no doubt, the House will consider also—that the carrying of the Motion of the noble Marquess (the Marquess of Hartington) on Thursday has for the present taken the wind out of the sails of my Motion. I propose to let it stand on the Paper without date, hoping that the Committee may report in time for its consideration at some later period of the Session. I should like to ask the noble Marquess when he proposes to nominate the Committee?

THE MARQUESS OF HARTINGTON said, the names of the Gentlemen whom it was proposed to nominate would be laid upon the Table that night.

#### CHURCH RATES LEGISLATION (SCOT- LAND).—QUESTION.

MR. M'LAREN asked the Lord Advocate, When he intends to introduce the Bill promised to be introduced on the part of the Government, two years ago, for the abolition of all assessments and rates for the erection and repairs of Churches and Mansees in Scotland?

THE LORD ADVOCATE: I observe, Sir, that the Question of my hon. Friend contains a statement or assumption to the effect that I, on the part of the Go-



vernment, promised two years ago to introduce a measure for the abolition of all assessments and rates for the erection and repairs of churches and manses in Scotland. I presume my hon. Friend refers to the observations which I made on the 5th of July, 1871, upon the occasion of the second reading of the Bill which he then introduced. I have no doubt he has, in this assumption, set forth his own impression and belief as to the course I said I would take; but I by no means admit the accuracy of his belief, and if he will be good enough to refer to the report of what I did say, he will see that his Question is by no means accurate. What I said was, that I should endeavour to deal with the whole subject of the law relating to churches and manses in Scotland to the best of my ability as soon as a reasonable opportunity presented itself; but as to the time, I am not in a position to give any more definite reply.

MR. M'LAREN: I beg leave to give Notice that I shall take an early opportunity to call attention to the delay in this and other matters of legislation affecting Scotland.

#### PARLIAMENTARY REPRESENTATION— THE VACANT SEATS.—QUESTION.

MR. RAIKES asked the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government, during the present Session or before the dissolution of the present Parliament, to introduce a measure assigning to other constituencies the seats which have been left vacant since the disfranchisement of Beverley and Bridgewater?

MR. GLADSTONE: We have no intention of bringing in a Bill for the purpose mentioned by the hon. Member.

#### SUPPLY—NAVY ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

(1.) £1,035,719, Victuals and Clothing.

(2.) £174,983, Admiralty Office.

SIR JOHN HAY complained of the great increase of the Vote as compared with previous years. He would remark that were the £14,000 saved by the abolition of the Coastguard Office added, the Vote would be nearly the same as in 1867-8, an amount denounced as grossly extravagant when the present Govern-

ment came into office. After reducing the sum in 1870-71 to £159,368, the Government had restored it to its former dimensions. He thought some explanation of the increase ought to be given.

MR. SHAW LEFEVRE said, he had ascertained the reasons for the increase which had occurred since 1870-71, to the present year. The Vote in 1868-9 was £182,000, but that did not include the Coastguard Office, which was £6,300, which would have made it upwards of £188,000. There had been a total increase of £21,000, of which amount the progressive increase of salaries accounted for £11,000, and the rents of houses, which were really additional buildings at the Admiralty, and ought therefore to be deducted, having been substituted for Somerset House, for £3,000. Then the increased price of coal represented about £500, the increased charge of the Controller's Department was £3,800, and the Vote included £1,400 for the temporary employment of paymasters. Against that there had been a reduction of from £6,000 to £7,000. Not less than 26 clerks, with salaries amounting to £6,000 or £7,000 a-year, had been reduced, and 25 writers introduced, at a total cost of £1,900 a-year. Making a net comparison between the year 1868-9 and the present year, there was a real reduction of about £14,000 in the Vote, which reduction would have been still greater had it not been for circumstances over which the Admiralty had no control.

SIR JOHN HAY said, that the hon. Gentleman had taken for his comparison the year 1868-9. The Estimates accepted by the incoming Administration from their predecessors were for 1869-70, and the charge for 1869-70, omitting the Coastguard, was £168,000; but in the present year it was nearly £6,000 more than that. The Estimates prepared by his right hon. Friend the Member for Tyrone (Mr. Corry), in the year 1868-9, the time of the Abyssinian War, were not those on which he had based his comparison. Those Estimates did not bear a fair comparison with other years, and it was the Estimates of 1867-8 that he (Sir John Hay) had referred to.

MR. SCLATER-BOOTH said, they had been informed the other night that the substitution of writers for clerks had been carried too far, and it was now found necessary to turn many writers back into

the position of clerks again. If such was the case, the money saved by the reduction of clerks at present would come back again into the Estimates.

MR. SHAW LEFEVRE believed that if a comparison were fairly made, it would be found that the Pension Vote had not increased through the re-organization of the Department; for the fact was, hardly any officer during the last two or three years had been pensioned at the Admiralty. The hon. and gallant Member should recollect that the Dockyards were included in this increase, a fact which would account for, as he (Mr. Shaw Lefevre) believed the greater part of it. The question of the employment of writers at the Admiralty had been now determined by the Treasury. It was true that they were to be placed upon the establishment; but it would be at the salaries they were now receiving—namely, commencing at £80 and rising to £160 a-year.

SIR JOHN HAY said, it would be convenient if the hon. Gentleman would lay upon the Table such a discriminating Return as would render those charges intelligible to all—showing what the amount was that was fairly chargeable to the Admiralty and what to the Dockyards.

MR. SHAW LEFEVRE saw no objection to the production of such a Return, showing the increase since 1870.

MR. BOWRING complained of the Estimates not being framed in a way to enable a comparison to be made between the present and preceding years. He wished to know the number of permanent clerks and writers employed that year.

COLONEL STUART KNOX thought that the statement of the hon. Gentleman the Secretary of the Admiralty would occasion much anxiety amongst the clerks, who were already suffering very much from the reductions that had taken place, as it appeared now that they would have to serve for a longer time and at a smaller pay than hitherto.

MR. RYLANDS said, the prospect had been held out to them of a reduction of the permanent expenditure of the Department; but there was a considerable increase of the pension Vote, while it required all the ingenuity of his hon. Friend (Mr. Shaw Lefevre) to show that there had been any diminution of the permanent expenditure at all. They had been told that writers were to be

employed who were not to be on the establishment, who were to have no increase of salary and no pension; but it appeared, after all, they were to have a subordinate class of clerks, with increasing salaries, and who would have a right to pension. Not only that, but by-and-by it would be said, that it was a great injustice to limit those writers to £160 a-year, inasmuch as they performed the same duties as the other clerks who were placed upon the higher scale of salaries.

MR. GOSCHEN said, he differed from the opinion of his hon. Friend the Member for Warrington (Mr. Rylands), and thought that the explanation of his hon. Friend the Secretary to the Admiralty was clear and ingenuous. The fact was that several items showed an increase of expenditure, which was not real but only apparent; for instance, his hon. Friend had stated that there was £3,000 more paid for the rent of offices now than heretofore, because the Admiralty had given up Somerset House for other purposes. There had been no real increase with regard to the paymasters, and the item of £11,000 increase by guaranteed increase of salary extended over three years. That item was more than accounted for, if they took into consideration the three years from 1869-70. There had been no new class of officials created apart from naval appointments, and higher pay was given only in the case of scientific men employed in the Controller's department.

SIR JOHN HAY said, that what he complained of was, that the pension list had been increased to the extent of £48,000 a-year, in consequence of the mistake made by the Government in discharging gentlemen who received the maximum amount of salary, and were able to perform their duties, in order that others might be promoted to perform their duties. The fact was, the pension list had been unnecessarily increased by men who were willing and able to do their work.

MR. HANBURY-TRACY asked what was to be done with regard to navigating masters?

MR. GOSCHEN said, that the Admiralty attached the greatest importance to keeping up a separate class of officers for navigating Her Majesty's ships, but were not prepared to adopt any plan by which officers should be taken at random

from the executive staff for that purpose. They proposed, however, to make the experiment of offering to a limited number of the executive officers of the Navy a certain increase of pay and position as inducements to undertake navigating duties.

SIR JOHN HAY said, he thought the right hon. Gentleman had wisely determined not to abolish the class of navigating officers. He wished to ask, whether it was the intention of the Admiralty to restore the rank of major in the Royal Marines? In answer to a Question he (Sir John Hay) had put to him on the subject that Session, the right hon. Gentleman gave the House to understand that he had some hopes of giving the Marine light infantry, as well as the Marine artillery, the benefit of the creation of that rank. The other two branches of the Service, the Royal Artillery and the Royal Engineers, which had always been looked upon as being in the same category with the Royal Marines, had the rank of major given to them, and it was unfair that the senior captains of the latter should not be placed on the same footing as their brethren in the former corps, whom they were constantly serving. The right hon. Gentleman had spoken of the rank of brevet-major, but that would not meet the case.

MR. GOSCHEN was afraid he could not give an entirely satisfactory answer on the subject, inasmuch as there were great difficulties between the War Office and the Admiralty in dealing with it. As to the rank of brevet-major, however, he hoped to be able to make, in a short time, an announcement which would be favourably received by the Royal Marines.

In reply to Lord HENRY LENNOX,

MR. GOSCHEN said, it was true that communications had passed between the Treasury and the Admiralty relative to the duties performed by the Permanent Secretary of the latter, and with regard to the appointment of a legal gentleman. The performance of their duties by the various secretaries at the Admiralty worked very well, and if Mr. Lushington retired, he would retire on the pension promised by the late Government on his accepting the office.

MR. KINNAIRD was gratified to hear that the rank of major was to be restored to the Royal Marines.

*Mr. Goschen*

MR. GOSCHEN said, it would be brevet-majority, and that it would be shortly announced.

SIR JAMES ELPHINSTONE said, he could not understand why the Marines had been treated differently from any other branch of the service, unless it were on account of some one of those petty economies of which the Government were so fond. The Marines were one of the most distinguished corps of the service, and they had carried the reputation of England all over the world. The First Lord of the Admiralty promised, on a late occasion, that an opportunity should be given for discussing the naval policy of the Government; but he (Sir James Elphinstone) thought at the time that the right hon. Gentleman was making a promise which he would not be able to perform. It was his intention, therefore, to take the present opportunity of discussing the question of the administration of the Admiralty and naval affairs generally; and if that course should be deemed irregular, he should avail himself of the forms of the House and put himself in Order, by concluding with a Motion for the Adjournment of the Debate. In what position, he wanted to know, did the Board of Admiralty stand after the many changes that had taken place. There had been a dictator at the head of the Admiralty, whose rule had come prematurely to grief, and since his time alterations of various kinds had been made in the Admiralty system. He would therefore like to know what was the real position of the First Lord. The Sea Lords, instead of being employed in considering and discussing the policy of the Navy, were employed all day in signing documents of the contents of which they knew nothing. That was evident, from the fact that Sir Maurice Berkeley, in his evidence before a Committee of that House, had stated that he had been told to put his initials here, or three ticks there, to Papers of the contents of which he was perfectly ignorant. What was the position of the Navy at the present moment? They had only some eight or nine frigates fit to go to sea, and yet they had undertaken the suppression of the slave trade on the Coasts of Africa and in the South Pacific. Why, he believed they had not got cruising ships enough to enable them, in case of emergency, to protect the commerce of the country.

Forty-five per cent of the corn consumed in this country was brought from abroad; and if, by any combination in Europe, their grain ships were stopped for one month, the country would be in a state of panic. That showed the urgent necessity of maintaining such a Navy as would enable them to cope with their enemies in any part of the world. They had not got that Navy. They had already built quite sufficient ships for coast defence, and what was required was, that a large addition should be made to the cruising sloops and paddle-wheel steam frigates and other seagoing ships of the Navy. The country was in no danger of invasion, and never would be if they were perfectly armed in that respect. They had discussed that monster, the *Devastation*, which had been a most costly experiment, and so far as was known, she had already ended in failure. She was not a seaworthy or sea-going ship, and any man who signed an order to send her across the Atlantic would be liable to a charge of manslaughter. If they forced her against a head-sea at seven knots an hour she would be swamped, an opinion in which Lord Lauderdale, who was as good a sailor as any man, concurred. And she was unfit for coast defence from drawing too much water. The present Government had come into office with flying colours on the promise of making great reductions in their expenditure; but the Estimates had increased year by year, since they had come into office, notwithstanding they had carried out some petty economies at the cost of some miserable clerks, who had been turned out wholesale. There had been a great many pettifogging reductions, but there had been a yearly increase in the Establishment charges. The pension list had been increased and the best men had been driven into the service of foreign countries. Their dockyards had been stripped and denuded of stores that ought to have been kept for the use of the country, and which in case of war would have to be replaced at a most enormous cost. There had been an auctioneer in a pulpit going over their dockyards knocking down articles at a ruinous sacrifice. Their stock of timber, which was greater than that of any country in the world, when the present Government came into office, had been sold, and they had again to compete for the article in

the open market. Blocks and dead-eyes had been sold for almost nothing—captains worth £80 and £90 each had been sold for £7 and £7 10s. each, and some blocks of the old *Royal George*, that had been dredged up because they had three brass sheaves in them, had been brought under the auctioneer's hammer, so determined were the present Government to get rid of everything. The rope was now made by machinery instead of by hand, and was of inferior quality in consequence. The coal allowed was insufficient for ships to make headway against wind and tide; and Lord Clarence Paget had attributed the accident which happened to the *Agincourt* to the parsimonious allowance of coal to the Navy. Under the direction of the Duke of Somerset, experiments had been entered into with the view of ascertaining, in the first place, how smoke on board our ships might be consumed, and, secondly, whether shale and rock oils might not be utilized in place of coal for the production of steam. To save an expenditure of £8,000 a-year these experiments were abandoned. As the price of coal had now decreased so much he strongly advised the Government to consider the matter. If experiments should be made with a view to disarm these oils of their explosive character, it was for the Government to undertake them, and he believed they might be carried to a practical result. The stores which the Admiralty now had at command were so limited, and that more especially with regard to masts and yards, that he feared they would not be sufficient to equip a fleet in case of emergency. With regard to anchors and chain-cables some time ago he obtained a Committee on the subject, and a Bill was introduced for testing chain-cables; but its provisions were so altered that the chainmakers were allowed to test their own cables, and make out their own certificates as to the result of the testing. On the 1st of January the Government put an end to that abuse, the only good thing they had done, and now there was a proper test applied. There was not a single iron-clad in their Navy that had a chain sufficiently strong to hold her; and he objected to the removal of the swivels out of the chains. By doing that, they had run the risk of losing several of those valuable vessels, and the danger of the course adopted was shown in a recent collision which

occurred between two vessels at Madeira from a cable parting. The size of the chain was  $2\frac{1}{2}$  inches only; but it ought to be at least  $2\frac{3}{4}$  inches to hold one of these ships. In the collision referred to, the *Northumberland's* cable parted; another anchor was let down, but as it would not bite, the *Northumberland* came foul of the *Bellerophon*. As to anchors, he should like to know why the Admiralty provided their ships of war with anchors that would not bite, and why they had given the go-by to an anchor—Trotman's—now generally used in the merchant service, and pronounced better than any other. In a cyclone at Bengal, every ship not provided with Trotman's anchor broke adrift; two vessels that broke adrift were brought up with it, and no fewer than 18 ships held on with it. Yet, in the face of the fact, that it was used in all the vessels of the Peninsular and Oriental Company, the Admiralty had systematically set their face against that anchor. He suggested that the Admiralty should build no more Monitors. What they wanted was a large addition to the number of their sea-going iron-clads, as well as their cruising sloops. He also suggested that a class of vessels, which had been allowed to fall into desuetude should be brought into requisition—namely, paddle-wheel frigates. It was absolutely necessary, during an engagement, that a certain number of vessels should be in attendance to tow ships in or out of action, and paddle-wheel frigates were the best adapted for that purpose, especially in such waters as the Persian Gulf. Whatever the Admiralty might do, by all means let them abandon the practice of building expensive toys, which set the whole scientific world lecturing and talking nonsense.

MR. GOSCHEN said, that without wishing to be disrespectful either to the Committee, or to the hon. Baronet who had just sat down, he declined to reply to many of the historical points raised by the hon. Baronet's speech, inasmuch as they only related to allegations which had been made over and over again, and which had been met with repeated denials from the Admiralty. What progress could be made if such topics were reverted to? The hon. Baronet, in the first instance, addressed himself to the question of the Marines, and said that some petty economy had prevented the rank of major being established for the

Marines. On behalf of the Admiralty, he emphatically denied that they were actuated by such a feeling in the matter, and he assured the Committee, that the question with the Admiralty was simply one of relative rank. [Sir JAMES ELPHINSTONE observed that the rank carried the monetary advantage with it.] He had told the hon. Baronet that the Admiralty would have been willing to grant the majority, if it had not been in consequence of the difficulty arising in regard to relative rank. Money had nothing whatever to do with it. With regard to the questions which did not affect the past but the present in the hon. Baronet's speech, he must pass over those which related to the question of ships to be built, as that subject would come on at a more subsequent period; and therefore he would not say more now than that, with reference to the assertion that the Admiralty could not fit out a ship, their dockyards were full of stores. As regarded the question of anchors, that was a question that must rest with the naval advisers at the Admiralty, and if the hon. Baronet, instead of discussing the subject in a Committee of that House, would come and discuss it at the Admiralty, and produce evidence to convince them that Trotman's anchor was better than the Service anchor, then a change would be made. The only desire of the Admiralty was to have the best anchors and cables that could be procured. It was fully recognized at the Admiralty that the question of cables was of supreme importance, and upon that subject conferences were now going on between the controllers and the partners of the firms who supplied them. The charge with regard to taking the swivels out of the chains was one which referred to something that took place in 1864, and therefore could not affect the present Government.

MR. G. BENTINCK said, that allegations made upon good authority and personal knowledge frequently met with flat denials from the Treasury bench, denials which subsequent inquiry proved to be unwarrantable. On a previous occasion, when they had been discussing the question of chain cables, the hon. Gentleman the Secretary of the Admiralty denied his statement in terms more curt than courteous, and said—"In any case, it was to be regretted that those who "primed" him (Mr. G. Bentinck)

had not first of all referred to the Admiralty, so that an inquiry might have been instituted." Instead of himself having been wrong, it was the hon. Gentleman (Mr. Shaw-Lefevre) who was incorrect. What he had stated respecting anchors and cables, and which, in spite of the hon. Gentleman's denial, he now begged to repeat, was that our men-of-war—our largest class of vessels—were not supplied with sufficiently large cables; and, in the next place, he adverted to the fact that, in consequence of the swivels being taken out of the chain-cables, one of our large iron-clads had been very nearly lost. It was to be regretted that the hon. Gentleman did not take the opportunity of making himself acquainted with these matters before meeting statements with denials, which, though inaccurate, carried weight, owing to the authority of his position.

MR. GOSCHEN said, it was desirable that the matter should be cleared up before the hon. Gentleman went any further. His hon. Friend had understood the hon. Gentleman to charge the present Government with having removed swivels, whereas it was done by a Conservative Government.

MR. G. BENTINCK said, he was charging no particular Government with the blunder, which, as he understood, was committed in order to adapt the cables to some kind of new-fangled capstans. The allegations which he (Mr. Bentinck) had made, and which the Secretary of the Admiralty had denied, had since been fully confirmed. His charge was against the Board of Admiralty; he cared not what Government was in power. He contended that the practice of relegating matters of this kind to non-naval men connected with the Admiralty resulted in great risks to Her Majesty's ships; whilst the custom of calling upon civilians to explain these things to the House of Commons must be followed by equally bad results. With regard to Trotman's anchor, experiments made at Woolwich had, he believed, demonstrated that the holding power of Trotman's anchor was very much in excess of every other anchor tried with it, and that of all the anchors tried on the occasion those of the Admiralty were the worst. Then, with regard to rope, that furnished by the dockyards was not always of the best description,

and many complaints of its quality were made by the officers commanding Her Majesty's ships. When the safety of Her Majesty's ships was compromised by this wretched, peddling economy, it was time to discuss the subject in Parliament. The *Great Eastern* had invariably ridden out every gale with Trotman's anchor, of a comparatively small weight, and her cables were also more efficient than those used in the Royal Navy, being manufactured of a superior description of iron. If these three-inch cables were used by our first-class iron-clads, the latter would not be so frequently parting from their cables, and would not run the risks they now ran. It could not be on account of any difficulty to be experienced in working them, that they were not supplied to the vessels requiring their use; it must be another instance of the unfortunate economy which was always cropping up. Another question was the state of our Reserves. He had asserted that the ships in reserve were not always fit to be commissioned, either with respect to their hulls, their rigging, their engines, or their armaments. The statement was denied from the Treasury bench, but he thought that, with the fuller means of information which the right hon. Gentleman had since enjoyed, he would not now deny the statement. As to the *Devastation*, he hoped there would be no fatal results from the experiment now being tried, but the impression of those whom he had seen and who had been on board that vessel was that she was not fit to go to sea. It seemed that she could not go under a certain rate of speed, and there was a risk that the ship might be drowned when forced against a head sea. He feared it would be found impossible to run the ship in a gale of wind, and he could only repeat what had been so forcibly said by his hon. Friend (Sir James Elphinstone)—a grave responsibility rested on those who sent this ship to sea; and he could only hope that their rashness would not lead to fatal results. On a former occasion, when he asked the right hon. Gentleman whether he had been considering the question of Ships *v.* Guns, the right hon. Gentleman said, with some asperity, that he had been thinking of nothing else. It would be satisfactory, therefore, to hear what were now the ideas of the right hon. Gentleman as to the result

of the struggle now going on between armour-plates and guns. On the solution of this question must depend the future construction of the British Navy, for if the guns were to beat the armour-plates, the Government had been working on an entirely false principle in the construction of vessels, and all our heavy armour-clads would be useless. His hon. Friend behind him said that we had no sea-going ships, and were not in a state to go to war, and he entirely endorsed that opinion. It was useless maintaining a Navy consisting only of one class of ships. He agreed that we ought to have a class of heavy iron-clads for home defence; but where was our sea-going Navy to be found? And without such a Navy, how was our commerce to be defended, and our colonies to be protected? He asserted without fear of contradiction that we had not a single vessel which could fairly be called sea-going, and was capable of being sent on a long voyage.

Mr. OTWAY thought it unfair to speak of the right hon. Gentleman the First Lord of the Admiralty as having pursued a peddling and beggarly policy. His right hon. Friend had given practical proof that such was not the principle which guided his naval administration. Through the liberality of the House his right hon. Friend had obtained an augmentation of the Vote for Naval Stores which enabled him to increase the pay of those who built the Navy of the country. With respect to the *Devastation*, he could not but regret the observations which had been made by the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) and by the hon. Gentleman who had just spoken. Men of experience and authority ought to pause before they made such a statement as this—that the Administration who sent the *Devastation* to sea might be liable to an accusation of manslaughter; a statement of that kind was enough to deter a Gentleman in the position of his right hon. Friend from doing what he thought right. It was a safe prophecy, for if, as he believed would not be the case, an accident occurred to the ship, they would be able to point to the warning they had given; whereas, if she proved thoroughly sea-going, as he was informed, by no less high authority than Sir Spencer Robinson, would certainly be the case—for

that she was a ship fit to go anywhere—no one would reproach the hon. Members for their injudicious prophecies. With respect to the construction of ships he was disappointed that his right hon. Friend had not taken any notice of what his hon. Friend the Member for the Tower Hamlets (Mr. Samuda) had said on the subject of torpedo vessels. It was one to which foreign nations were directing a good deal of attention, and as to which the experiments now being made by the Austrian and German Governments showed that they were in that respect a good way ahead of us. It was also clear that if other nations could destroy our ships by torpedoes, the boasted strength of our Navy was of little use. His right hon. Friend had alluded to the Navies of France, Russia, and the United States, but he did not refer to the Navy of Italy, to which the Government of that country were now adding ships of a very peculiar character, of enormous size, and likely to be the most powerful ships afloat. He hoped his right hon. Friend would take steps to procure full information on that subject. With respect to the Dockyards, his right hon. Friend had procured a great boon for the *employés* in those establishments. It would be a great pity, however, if, in the distribution of that boon, satisfaction was not given to all the classes intended to be benefited by it, and such would not be the case if the present system of classification were adopted. He trusted that his right hon. Friend would cause inquiry to be made as to the best manner of distributing the increased grant which he had been the means of obtaining from the House.

Mr. B. SAMUELSON said, he did not think the charge made against the Admiralty as to the alleged insufficiency of cables was justified. If a 3-inch cable was sufficient for the *Great Eastern*, a 2½-inch cable ought to be more than sufficient for their iron-clads. He would like to ask the right hon. Gentleman the First Lord of the Admiralty, whether a survey had been made of the plate of the *Northumberland* which had been penetrated in the collision at Funchal, and, if so, whether the quality of the iron proved satisfactory, as he had been informed that the iron of the *Northumberland* was very unsatisfactory. He would also like to ask questions concerning the dockyards of Gibraltar and Malta. At

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Gibraltar, £4,000 only had been spent during the year for additions to the mole. He believed it was impossible to overrate the advantages of that mole. Two of our iron-clads could anchor under it, and it would be a great advantage if that mole was extended considerably beyond what was provided for by the present plans. He asked Her Majesty's Government whether it was their intention to extend the work, and whether any measures were being taken to improve the sanitary condition of the harbour of Malta?

MR. SHAW-LEFEVRE disclaimed any intention of giving an uncourteous reply on a previous occasion to the hon. Member for West-Norfolk (Mr. G. Bentinck). When, however, hon. Members rose in their places and made accusations against the right hon. Gentleman the First Lord of the Admiralty that he had sacrificed the safety of Her Majesty's ships, they must not feel surprised that they were answered somewhat warmly, and, perhaps curtly. He, however, had no intention, of displaying warmth when he replied to imputations of that kind. The hon. Member had stated that the Admiralty had made changes in the chain-cables and capstans for the sake of economy. He had never heard of any such change of capstans or chain-cables, and therefore considered himself justified in denying the assertion *in toto*. Lately he had taken pains to make inquiries on the subject. The facts as he had ascertained were, that in 1864 a very much improved capstan was adopted in some of Her Majesty's vessels, and it being found that the chain-cable could not be easily turned upon it, naval officers recommended a slight alteration in the latter, leaving only a swivel at each end of the cable. This plan, it was stated, was in operation in the French Navy, and would not affect safety. The recommendation was adopted by the then Controller—a naval man—with the approval of naval Members of the Board, and from that time to this nothing had been heard on the subject. It was true that the recent breakage of a cable had been attributed to the change; but the general opinion was, that it was due to some other cause, and economy had nothing to do with it. As to the anchors which had been mentioned, the naval Members of the Board did not think

them as good for general purposes as those now in use; but there was no indisposition to adopt any improvement. The hon. Member for West Norfolk had repeated his imputation respecting rope; but every endeavour was made to supply the best quality, though it might not always be of equal quality; and though complaints were made from time to time that it was not strong enough, and did not last so long as formerly, such complaints had been made from time immemorial. As to the reduced stock of hemp, his right hon. Friend (Mr. Baxter), having had much experience, thought it undesirable to keep a very large stock, fresh hemp being much preferable. Of yarn a large stock was desirable, and 18 months' stock was accordingly kept, while sufficient hemp was kept for the manufacture in case of emergency of as much yarn as would be necessary. But neither of the provisions—a short one of hemp and a large one of yarn—was kept up from motives of economy. With that explanation he hoped that the House and the country would be satisfied that the Government did not look on the questions from an improper point of view, but that they would feel that the interests of the Service were really regarded in all these questions. In all these cases, whatever was demanded by naval officers for the fitting of ships was supplied. With regard to the questions asked by the hon. Member for Banbury (Mr. B. Samuelson), he hoped that that relating to Gibraltar would be considered when the Committee reached it. As to Malta, the sanitary regulations and the condition of the port were under the consideration of an Engineer officer who had been sent to the spot to inquire, and as soon as an opinion was transmitted to the Government as to what was necessary, the recommendation would be carried out. With regard to the observations of the hon. Member for Chatham (Mr. Otway) as to dockyard wages, it would be more convenient to discuss that question when they came to Vote 6.

ADMIRAL ERSKINE said, that when the plan of bringing cables to the capstans was adopted, the necessity for the swivels ceased. The size of the cable for ships was an important question. Generally speaking they were not sufficiently large. When he took command, a little more than 20 years ago, of a ship which



from an 80 had been changed into a 90-gun ship, he found that the size of her cables had remained unaltered. On his remonstrating he was told that the size of the cables was calculated by the area of the midship section, and not by the weight of the ship. He made repeated representations on this subject, but his remonstrances were never answered. He, therefore, hoped that the authorities at the Admiralty would take into their consideration a matter on which the safety of our ships so much depended. With respect to the *Devastation*, and the propriety of sending her to sea in her present condition, it must be remembered that science was now giving way to experiment; and he therefore hoped that as the *Devastation* was to be subject to a regular trial at sea, no money would be asked for to build other *Devastations* till the result of the present experiment had become known.

MR. HANBURY-TRACY believed that if the scheme of retirement which his right hon. Friend the Member for Pontefract (Mr. Childers) brought forward in 1870, had been properly carried out, there would have been more retirements by this time, and that it would have tended to improve the service. His right hon. Friend then stated as a reason for bringing forward that scheme, that although officers in command of ships were very gallant, yet from want of constant employment they were not so efficient as could be desired. There was a very great feeling of irritation in the service, owing to so much more attention being paid to its *matériel* than to its *personnel*. In bringing forward the present Estimates, the right hon. Gentleman the First Lord of the Admiralty spoke for three hours on the *matériel*, and not more than a quarter of an hour on the *personnel* of the Navy. Before that general discussion closed, he hoped the right hon. Gentleman would state that he had that whole matter under consideration; that he had a sympathy with the large number of officers who were half-starving on a mere pittance; and that for the good of the service and the interest of the country, a system would be adopted by which officers would be more constantly employed, and enabled to maintain their efficiency.

MR. GOSCHEN asked the Committee to believe, that if all the points raised on that occasion had not been answered,

it was because it would be impossible in Committee of Supply to get the money which had to be voted, if they were to deal at length with all the serious topics brought forward in the course of a general discussion. No greater injustice could be done to him than to suppose that he devoted less time to the *personnel* than to the *matériel* of the Service. Last year he devoted the greater part of his speech to the *personnel* of the Navy, and it was only towards the end that he was enabled to touch on the *matériel*. This year he had reversed this plan, and the simple reason, why so much of his speech, in introducing the Estimates, this year had been occupied with the *matériel* was because so many questions connected with the *matériel* happened to have been raised lately; but he could assure hon. Members that his sympathy with the *personnel* was not to be measured by the length of his remarks on the subject. With regard to what had been said by the hon. Member who had just sat down, the length of time captains were employed before they could be appointed to ships was one of the great difficulties of the Service, and the same thing applied to commanders. It was a matter of great importance, and it was to meet that difficulty that his right hon. Friend (Mr. Childers) introduced his retirement scheme, but he could not see by what means his hon. Friend (Mr. Hanbury-Tracy) had expected that more retirements should have been brought about. The scheme was self-acting; and the only way in which the Admiralty could increase retirements would be by forcing men out of the Service by not giving them employment, there being a clause which said that, in that case, after a certain number of years they were to leave the service. As regarded captains, that was a system which had not been tried. Contrary to an opinion held out-of-doors, there had been no attempt on the part of the Admiralty to force officers to retire on account of their not being employed—so long, at all events, as there was plenty of work in them; and as regarded pecuniary inducements, his experience since he had been at the Admiralty was, that pecuniary inducements would not influence officers to retire. They clung to the service irrespective of the boons held out to them, because most officers would admit that the terms of retirement offered by his

right hon. Friend were liberal; but he (Mr. Goschen) thought it so important that there should be a constant retirement, that if it was certain any change would induce a large number of officers to retire, that change would be carefully considered by the Admiralty. There were two means of causing retirement—the one compulsory, the other by pecuniary advantages. As to the former, he was not prepared to carry it further than his right hon. Friend had done. As to the latter, it depended on the officers themselves, and he saw no way in which the Admiralty could reduce the lists, if officers were not disposed to accept pecuniary inducements to leave the service. In reply to his hon. Friend the Member for Chatham (Mr. Otway), with respect to torpedo boats, he might observe that the subject had been carefully examined into, and that the Admiralty had already given orders to have an experiment made to see how far the invention of Mr. Thorneycroft, which had been referred to in a former debate by the hon. Member for the Tower Hamlets (Mr. Samuda), and which had been tested, and had been found only applicable in the case of smooth water, could be applied to boats which would go at a good rate of speed in comparatively rough weather. He could also assure his hon. Friend that the Government were perfectly aware of all that was going on in the Italian Navy. We had an *attaché* who travelled about from Court to Court, and who reported not only on the Italian Navy, but on that of other countries also. In respect to the *Devastation* the Committee must feel that an immense responsibility was thrown upon the Admiralty by hon. Members who said that they would be guilty of manslaughter if they sent her across the Atlantic. They felt that they had a difficult problem to solve, but they were determined to persevere in their attempts to solve it. At the time of the American War, as the Committee was aware, ships which all sailors would have previously denounced had decided actions, and had had the greatest possible influence in bringing the war to a termination. And not only had the Monitors done that, but they had ridden down storms and generally behaved well at sea, although their sea-going qualities were not, probably, as good as those of other vessels. Were the Admiralty, then, to abandon a type of ship

calculated to secure our supremacy at sea in time of war, on account of such criticisms and warnings as the Committee had heard that evening, when they had positive assurances from other quarters that no danger was to be apprehended? They were charged with having no vessel to cope with the *Peter the Great* in the Russian Navy; but that vessel was constructed on precisely the same principles as the *Devastation*. So long as ships of that class were required to maintain our supremacy, a certain number of risks would, of course, have to be run; but the experiments in the case of the *Devastation* would, he could assure the House, be conducted with the utmost caution.

LORD ELCHO said, he happened, during the Easter Recess, to be at Portsmouth, and had heard a suggestion made by Colonel Bowers, who commanded the 1st Lancashire Rifles, with respect to the trial of the *Devastation*, which seemed to meet with very general acceptance, for all the naval officers who heard it had declared that if the ship passed successfully through the experiment suggested, she would be capable of riding out any storm. The suggestion was, that as the *Devastation* generally had a nurse in the shape of another vessel, she should be sent to sea in rough weather, with a number of nurses, or other vessels who would be capable of taking on board the whole of her crew; that everything in the *Devastation* should be battened down, and that she should be left completely to herself to struggle against the wind and waves; and that the nurses should watch her movements closely through this experimental trip. If after all the *Devastation* should stand that test nobody could object to the outlay of the public money upon her, and he had no doubt that his hon. and gallant Friend near him would sanction the expenditure of much more money for the building of other *Devastations*.

SIR JOHN HAY said, he would recommend a Return, No. 321, to the attention of hon. Members, inasmuch as they would find from it that owing to the scheme of retirement to which he had already referred, a permanent dead weight had been thrown on the country, amounting to £186,104 a-year. He also wished to say, in reply to the Secretary for the Admiralty, that the Store Vote that year was the largest by the amount

of £200,000 which had been proposed for the last 10 years, and yet the supply of yarn was not sufficient for the purposes of the effective ships of the Navy. As to the supply of coal, he was glad the Government had now the excellent advice of Sir Alexander Milne, for the accident which had occurred to the *Lord Clyde* could have scarcely happened to any ship which was not hampered in the use of her engines. Such was not his opinion only, but that of Lord Clarence Paget, who had commanded the Mediterranean Fleet.

MR. CHILDERS pointed out that although the Vote for Stores might be the largest for many years, there was all the difference in the world until quite lately between estimates and expenditure. The actual expenditure in 1867 and 1868 far exceeded the present Estimates, to say nothing of the great rise in prices. He should also be prepared to show at the right time that the cost of retirement was less than he had estimated.

MR. SCOURFIELD suggested that retired naval officers might be usefully employed in surveying rivers for the purpose of having the impediments to their free navigation removed.

*Vote agreed to.*

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £167,575, be granted to Her Majesty, to defray the Expenses of the Coast Guard Service, Royal Naval Coast Volunteers, Royal Naval Reserve, and Seamen and Marine Pensioners Reserve, which will come in course of payment during the year ending on the 31st day of March 1874."

ADMIRAL ERSKINE, in moving to reduce the Vote by £14,540 5s. 6d., being the balance of the unappropriated surplus of the sum voted for the Royal Naval Reserve, said, that he had seen for some years past a sum of money employed for purposes to which Parliament had not voted it, nor had the Treasury sanctioned. When the Royal Naval Reserve was originally created, in 1859, it was intended to consist of 30,000 men, who were to receive retainers of £6 each. Since its institution, however, the fact was that the number of men that took their drill never exceeded 16,000, and the Vote was taken on the assumption of the former number. Moreover, from 1866 the number had gradually fallen, until for the present year the Force was expected to consist of only 10,000 men,

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while the sum asked for in the Estimates on account of the retainers to be paid to the men had been reduced from £96,000 to £76,000, a reduction entirely owing to the representations he had made on a former occasion. There remained in the hands of the Department, however, an unappropriated surplus of the sums voted amounting to over £17,000, and he now moved to reduce the amount of the Vote by the sum he had stated. He did so, for the reason that he could not reconcile the discrepancies, that while £76,000 was asked for retainers, a much less sum was asked for drill, pay, and lodging the men, and that while it was proposed to vote money for 13,000 men, they only expected to get 10,000. He had also to complain that the expense of registering these men had remained the same—namely, £4,000 a year, or 7s. a head—for several years, although there had been a considerable reduction in their number. He thought a less sum than £4,000 should be asked for registering. In conclusion, he must say he was surprised that the Government were unable to give the number of men enrolled at the different outports. He should move that the Vote be reduced by the amount of which he had given Notice.

Motion made, and Question proposed,

"That a sum, not exceeding £153,035, be granted to Her Majesty, to defray the Expenses of the Coast Guard Service, Royal Naval Coast Volunteers, Royal Naval Reserve, and Seamen and Marine Pensioners Reserve, which will come in course of payment during the year ending on the 31st day of March 1874."—(*Admiral Erskine.*)

MR. GOSCHEN said, his hon. and gallant Friend did not propose to reduce the Force, but thought that by the experience of former years the Government were taking too much. It was always a wiser course to take too much than too little. On Vote 1 and on this Vote it was always the practice to take more than was needed, in order to provide for contingencies. The Vote would have been reduced this year if great changes had not been introduced into the Reserve, by which the Government expected that a considerable number of men would be added to it. Under these circumstances he hoped his hon. and gallant Friend would not press the Committee to divide. As to the item for registering, the sums paid the registrars

were fixed fees and general expenses, regulated by the Board of Trade rather than the Admiralty; and having two schemes in existence—namely, the First and Second Class of Reserves, there would be rather more than the usual amount of labour and trouble put upon them.

MR. WHALLEY said, a great amount of anxiety prevailed at Liverpool, and also a desire to ascertain what were really the intentions of Her Majesty's Government with regard to the Royal Naval Volunteers. The speech which the right hon. Gentleman made some time since in the neighbourhood of Liverpool upon the subject, raised an amount of enthusiasm which the delay that had since taken place, it was feared, would cause to die out. He spoke the sentiments of the leading shipowners of Liverpool, who hesitated to respond to the right hon. Gentleman's invitation to form a Naval Volunteer Force, until the Government gave some evidence of their being in earnest in the matter. There was a growing feeling in Liverpool, that the invitation held out by the right hon. Gentleman was not responded to by the authorities, and unless something was done to remove the impression the enthusiasm created would speedily die out. He wished to know whether the Government intended to give to Naval Volunteers such facilities for drilling as they thought they were entitled to?

MR. BRASSEY said, he was connected with the London Naval Volunteers, and he was enabled to state from having been in communication with the Admiralty, that a practical scheme for carrying on the drill of the London Naval Volunteer Corps was under consideration by the Admiralty, and he believed that a Bill would be submitted to Parliament by the Admiralty on the subject. It was a matter that could not be decided off-hand. This was clear, however, those who joined the Force could not call upon the Government for assistance, as the essential feature of the movement was that it was voluntary. The 150 persons who had associated themselves for the purpose of naval drill in the port of London had shown the best spirit and deserved a hearty recognition.

MR. WHITWELL trusted that after the announcement made by the right hon. Gentleman the First Lord of the Admiralty, the hon. and gallant Admiral

would not go to a Division. He would like to hear that a sufficient drill was performed by the men in the Coastguard Service to qualify them to join ships at once in case of necessity. He asked also whether a Return would be prepared, showing the saving of life which had been effected by the Coastguard in cases of wreck?

MR. GOSCHEN said, there would be no objection to produce such a Return, which would show results very creditable to the Coastguard men. His hon. Friend (Mr. Brassey) had really replied to the Question put by the hon. Gentleman (Mr. Whalley). The subject of Naval Volunteers had engaged a good deal of time at the Admiralty, but it involved so many points of detail with regard to the organization of the Force that it had been found impossible to proceed, at all events, with the rapidity which the gentlemen who had taken up the movement appeared to wish. At the same time, he trusted the Admiralty would be able to utilize the services of the Volunteers, and he hoped shortly to be able to propound a scheme for the approval of Parliament.

ADMIRAL ERSKINE said, he must take the sense of the Committee upon his Amendment.

MR. GOSCHEN said, he could only repeat that the present plan rendered it necessary that the Vote should be taken, in order to provide for the increased expenditure that would take place under it.

MR. R. W. DUFF hoped the hon. and gallant Admiral would not press his Amendment. It was desirable that there should be an efficient Naval Reserve.

MR. WHALLEY wished to know if the First Lord of the Admiralty was really giving his attention to the organization of Coast Volunteers?

MR. GOSCHEN said, that probably the hon. Gentleman would be satisfied, when he informed him that the day before yesterday he went through a great many proposals for the establishment of Coast Volunteers, and discussed them with some of his Colleagues. There was no disposition on the part of the Government to throw cold water on the movement, and he hoped shipowners would come forward and assist it all they could. In saying that, he thought leading shipowners of Liverpool did not appear to give it the support it deserved. In all probability, it would be necessary

to introduce a Bill to carry out the scheme.

SIR JOHN HAY hoped the hon. and gallant Admiral would not divide the Committee. There could be no doubt that the Royal Naval Reserve ought to be better supported than it was.

ADMIRAL ERSKINE said, under the circumstances, he would alter his mind, and would not trouble the Committee to divide.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(4.) £86,654, Scientific Departments.

MR. A. GUEST asked whether the post of medical attendant to Greenwich Hospital ought not to be reserved as a shore berth for some Navy surgeon, instead of being given to a civilian? Great dissatisfaction was felt, in consequence, by medical men in the Navy.

MR. B. SAMUELSON looked forward with hope to the more scientific education which would be within the reach of the naval officers at Greenwich Hospital. He thought nothing was likely to be of greater service to the Naval profession than the New College. If the commanders of our ships were acquainted, for instance, with the theory of the steam engine they would be able to control the reports of their engineers on the subject of economy in the use of coal. He objected, however, to rudimentary scientific instruction being given there. The officers ought to prepare themselves at the School of Mines or elsewhere, before being admitted to the Naval College. He hoped the subject would be considered.

MR. STONE said, the Committee would like to know how far Naval officers had shown a disposition to avail themselves of the advantages offered to them in the New College. He hoped that provision would be made for affording practical as well as theoretical instruction in the New Royal Naval College.

MR. WHALLEY said, it was of more importance for young men, to whom the honour and safety of the country might be some day entrusted, to learn the more practical qualities which would produce courage and promptitude, than to follow the present hard, scientific system, which was emasculating those higher and manly qualities which had hitherto cha-

racterized our naval officers, and upon which our naval renown was founded.

DR. BREWER said, there was one subject greatly neglected in both of the Services—namely, dental surgery in its higher branches; the neglect of this was the greatest cause of the disqualification which existed in the Services.

MR. GOSCHEN said, he would communicate with the Medical Director General, on the point raised by the hon. Gentleman the Member for Colchester (Dr. Brewer). With regard to the question of the hon. Member for Poole (Mr. A. Guest), the appointment of a naval surgeon depended on the extent of the duties to be performed. At present they did not seem to warrant any alteration in the present arrangement. The fee of the gentleman who attended Greenwich Schools had not been included in the Estimate in consequence of an oversight, which should not occur again. A great number of the members of the College went there voluntarily, and he was not prepared to recommend the appointment of a medical man who should exercise any control over them, because in the event of their being taken ill, they might be attended by doctors of their own selection. He would lay on the Table the Minute of the Admiralty, with regard to the general scope of the Royal Naval College, but he wished to say now that hon. Members must dismiss from their minds the idea that it was an establishment for cadets and midshipmen. Sub-lieutenants went there who had already been four years at sea—those officers who had already acquired the qualities which the hon. Member for Peterborough (Mr. Whalley) so much desired; but it was hoped that the great future of the College would arise from the attendance of half-pay officers, who desired to pursue the studies for which opportunities would be offered. There was every inclination on the part of officers to avail themselves of these advantages. Twenty-four half-pay officers were now studying there, and the number would doubtless be much larger when the College came into full operation on the 1st of October. Young engineers and dockyard apprentices, would also be selected to go to Greenwich, in order to learn naval architecture and marine engineering, and the other subjects which had been taught with such great success at South Kensington. The organization of the

*Mr. Goschen*

whole establishment was likely to be organized under Admiral Cooper Key in a most satisfactory manner.

SIR JOHN HAY agreed with the right hon. Gentleman, that the process of organization under Admiral Cooper Key was likely to prove extremely satisfactory. But he could not concur in what the hon. Member for Peterborough (Mr. Whalley) had said as to the study of scientific subjects connected with the Navy being enervating. It was very desirable that the Navy should continue to have, what it always had possessed, officers skilled in the highest branches of science. There was no other profession which possessed in its ranks men of higher scientific attainments, or more capable of performing the duties which the country entrusted to them. With respect to the Naval College at Greenwich, he would venture to point out that it was for many reasons desirable that Admiral Key, who was at its head, should have the power and authority of a naval officer, as well as that authority which he already possessed as an officer of the highest scientific attainments, and that he should be allowed to hoist his flag, and appear in uniform. He should also like to see the naval officers assembled at Greenwich allowed the benefit of the attendance of a naval medical officer.

MR. A. GUEST also urged the expediency of appointing a naval medical officer at Greenwich. He could attend both the College and the Boys' School at Greenwich.

MR. B. SAMUELSON explained, that he did not mean to say that naval officers did not avail themselves fully of the facilities offered them for scientific instruction, but the fact of the establishment of this College proved these opportunities had not hitherto been sufficient. He should like to know, whether a library would not be established there.

MR. GOSCHEN said, the question of a library and the appointment of a naval medical officer had been considered, but that it had not been deemed expedient to incur expenses which did not appear to be absolutely necessary for the efficient working of the College. In the case of the medical officer, however, when the College was full it might be found desirable to make such an appointment.

SIR JAMES ELPHINSTONE said, that the pensioners were the proprietors

of Greenwich Hospital, and that the Government had no right to deal with it without their consent. He complained that the Admiralty were neglecting the survey duties of the Navy, and thought that a special survey service should be established. The survey of India was unfinished, and, notwithstanding what had fallen from the First Lord of the Admiralty on a former occasion, that of the Straits of Magellan was very incomplete. He had also to complain of the miserable accommodation which was provided for Admiral Richards, the Hydrographer of the Navy at the Admiralty, that gallant officer being located in a room which was not fit to be the office of the engineer of a bubble company.

MR. STANLEY also urged the expediency of having naval rank conferred on Admiral Cooper Key.

MR. GOSCHEN said, he personally had no objection to place Admiral Key on the footing desired, but that the question of allowing him to hoist his flag at Greenwich was a service question involving a point of naval etiquette; and the naval authorities, by whom he should be almost entirely guided in the matter, were of opinion that the privilege could not be well granted to Admiral Key. As to the proprietorship of Greenwich College, he could assure the hon. and gallant Member for Portsmouth that the Act of Parliament distinctly provided that Greenwich Hospital might be used for any other purpose deemed necessary. He might add that all the structural alterations which had been made in the edifice, had been done so that in case of war, it could within the short space of 24 hours be restored to its original condition—of an hospital; and that none of the Greenwich Hospital funds were used; they were left at the disposal of the pensioners. It would be very inconvenient that the Hydrographer should be removed from the Admiralty, where he was in constant communication with the Board; but he hoped better accommodation would be provided for him when the new buildings connected with the Admiralty were completed. The first survey which the gallant officer proposed to undertake was that of the East Coast of Africa.

In reply to Lord HENRY LENNOX,

MR. GOSCHEN said, it was estimated that the *Challenger* would be engaged for three years in deep-sea dredging, in

connection with a number of scientific problems in which the Royal Society took great interest.

In reply to Sir JOHN HAY,

MR. GÖSCHEN stated that, in addition to the Government being in communication with the Representatives of Foreign Governments, Professor Airy was in communication with the astronomers of other countries, in order to obtain foreign co-operation in watching the transit of Venus.

*Vote agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £1,115,080, be granted to Her Majesty, to defray the Expense of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1874."

MR. RYLANDS, in moving the reduction of the Vote by the sum of £50,000, said, that he wished it to be understood that he raised no objection to the advance in the rate of wages paid in the dockyards. The right hon. Gentleman the First Lord of the Admiralty had told them that the wages of the "hired labourers" had been raised 3*d.* a-day, and the "established workmen" 6*d.* per day, making the wages of the former 16*s.* 6*d.* per week, and of the latter class, 30*s.* per week. In the present state of the labour market, he (Mr. Rylands) considered that the Government were justified in paying this advance—in fact, they were no doubt compelled to do so, even in the case of the "established workmen." The right hon. Gentleman further stated that the "established workmen" had entered into life contracts at a fixed rate of wages with a pension at the end of their service, and had there been any general reduction of wages, these "life contracts" would have been fairly pleaded by the men as a reason for maintaining their wages; but they were practically ineffectual in preventing an advance under the present exceptional state of the labour market. He did not complain of that, but he thought the arrangement with this class of men a very questionable one. It was said, that in view of pensions they accepted lower wages, and that was no doubt the case; but in many instances the expectation was a delusion, as numbers of the men through death or

other circumstances never received a pension, nor was there any real advantage on the part of the country, as the pension list amounted to 25 per cent upon the sum paid for wages. There was also the question as to the amount of work received for the money. If the wages were low, the work was low also; and there was sufficient evidence in Blue Books in the Library to prove that the established workmen scarcely did half as much work as the men employed in private shipbuilding yards. He believed that the wisest plan would be to carry on the national dockyards in a business-like manner; to engage workmen upon ordinary terms, and to pay them the full value of their labour, without any agreement for pensions. The present system was disadvantageous to all parties, and certainly entailed a serious loss upon the country. The hon. Gentleman the Member for West Norfolk (Mr. G. Bentinck) said the other night that we ought to keep our dockyard men, to the full number, building all the vessels we needed, and that the dockyards should be so kept up as "to meet not only all the requirements of the day, but of any emergency." We were, in fact, never to buy any ships from the private dockyards. But a few years ago the hon. Gentleman stated that

"He had asked many of the most eminent owners of private yards in the country the question—supposing you were to carry on your yards upon the system on which Her Majesty's Dockyards are conducted, what would be the result? And the invariable answer had been, if we were to approach that system with the Bank of England at our back, we should be ruined in six months."

Well, that he thought was a conclusive argument against extending our dockyard system. His complaint was that the right hon. Gentleman was extending the system, and was so far reversing the policy of his predecessor. The right hon. Gentleman the late First Lord (Mr. Childers) had laid down a standard in 1870, under which he arranged that the maximum number of men employed in the dockyards should be 11,000, and that at least one fourth of the tonnage required for the Navy should be purchased from private shipbuilders. Unfortunately, the absurd panic at the end of 1870, on the occasion of the Franco-German War, induced the Government to alter their policy of economy by un-

*Mr. Goschen*

necessarily increasing the dockyard expenditure. Last year, he (Mr. Rylands) strongly objected to the increased expenditure, and he was assured by the right hon. Gentleman, that the increase in the number of men was only a temporary and exceptional circumstance dating from the panic of 1870, and that in a few months time the number would be reduced to the maximum fixed by the right hon. Member for Pontefract (Mr. Childers.) Now, what was the fact? In 1870-71, the number employed was 11,276, which was slightly in excess of the maximum; but this year the number on the Establishment and the hired men together amounted to 13,500, or 2,500 beyond the maximum fixed by the right hon. Member for Pontefract. But the most singular circumstance was, that while, according to the Returns on the Table, the 11,276 men in 1870-71 were expected to produce 15,272 tons of shipping, the 13,500 men were only expected to produce 13,781 tons. [Mr. SAMUDA said, the 11,276 men did not produce the amount named.] He believed they did not, but First Lords were constantly wide of the mark, and misled the House by their erroneous estimates. The right hon. Gentleman, at all events, did not expect to build this year more than 13,781 tons, and he proposed to employ not less than 8,697 men upon repairs and yard work. That was the explanation. But if our ships were in such a bad state of repair as to require such an enormous expenditure to make them ready for going to sea, it was an alarming state of things. His great objection to having so many men in the yards was that we must find them work whether it was wanted or not. The right hon. Gentleman had evidently that in his mind when he was stating his programme for the year. He said—"We shall have the *Superb* and the *Téméraire* building at Chatham, and the *Fury* and the new *Fury* building at Pembroke. With these vessels those two dockyards would be fairly full." And he mentioned that Portsmouth would be supplied with work in building another iron-clad of a description not yet decided upon. There were two very serious objections to pressing forward work at the dockyards at the present moment. One was the very high prices of all kinds of material, and the other was the great uncertainty as to the best type of fight-

ing ship of the future. The right hon. Gentleman admitted, in his speech on moving the Navy Estimates this year, the great advantage which had been secured by delays in constructing ships during the past two years. He said—

"It had been urged that the Admiralty had wasted two years' time. . . . but it would be difficult to tell what ships we should have ordered. Certainly not such good ships as we should be able to order now, with all the knowledge and experience we had gained."—[3 *Hansard*, ccxv. 45.]

The same motives for delay existed at the present moment. Eminent authorities in that House differed entirely as to the best ship to be built, and there was an equal divergence of opinion amongst authorities elsewhere. The right hon. Gentleman had spoken of three schools of naval architecture—namely, the advocates of masted turret ships, the advocates of unmasted turret ships, and the advocates of broadside iron-clads. And then he added a fourth school, of those who were against building iron-clads at all. Upon that point, hon. Gentlemen were no doubt familiar with the extremely important evidence given before the Committee on Designs of Ships of War. It was a very grave question whether vessels could be protected with armour plates sufficient to resist the guns which were now being manufactured. Sir Joseph Whitworth, and Sir William Armstrong both stated that they could produce guns that would penetrate iron armour plates 20 inches thick. If that were so, many of our best ships would become obsolete. Then again, there was the question of the torpedo—an entirely new force which threatened the security of the most powerful iron vessels, and which, in its development, might have an important bearing upon the best mode of constructing our ships of war. With all these facts staring us in the face, it seemed to him to be a most unwise policy to press forward the building of new ships. Let hon. Members recollect that the hasty and ill-considered additions made to the Navy during the past few years had involved a scandalous waste of millions of the public money. It was to be hoped that the remarkable statement of the right hon. Gentleman would not be forgotten—that during the last 10 years no less than 225 ships, amounting to a tonnage of 215,000 tons, had been struck off the effective strength of



the Navy, or to use the expressive words of the right hon. Gentleman, "had vanished." A dozen years ago, the Admiralty precipitately constructed a number of iron vessels at a cost of several millions, which were, considered at the time to be an invincible Navy. They were armed with 4½ inch plates, and in these days, they might almost as well be protected with brown paper. Of course they had all disappeared from *The Navy List*—they had "vanished," and the millions which they cost out of the public taxes had "vanished" also. The other day, when he urged similar grounds to these as a reason why the Government should pause in the building of vessels of war, the hon. Member for Pembrokeshire (Mr. Scourfield) replied that—

"It was impossible to delay building ships until a time of war. It would be ridiculous to ask an enemy to delay his invasion until we had a sufficient number of ships to receive him."

That was, no doubt, all very true, and would be very forcible if we had no ships of war at present. He (Mr. Rylands) did not believe in the probability of any invasion, but if there were an invasion, he was quite satisfied that our Navy was sufficient to give a good account of the invaders. The right hon. Gentleman, the First Lord of the Admiralty, had admitted that our Navy was equal to the Navies of France, Germany, and the United States combined. We had 23 ironclads, whilst France, Germany, and the United States had only 11, and we had 91 frigates and other ships of war against their 95.

Mr. GOSCHEN said, that the numbers he had given were of the vessels in Commission, and did not include the entire Navy of the several countries.

Mr. RYLANDS said, that was no doubt so, but the comparison was not the less correct. The right hon. Gentleman also expressly stated that—

"We had 12 ships which were so strong that all the other maritime countries together could not name 12 ships of equal strength."—[*Hansard*, ccxv. 44.]

There was therefore every reason why we should proceed with calmness and with caution. If we kept down the Dockyard Vote, it would enable us to complete the ships at present in progress, and to pause before commencing the construction of new vessels. If war were unfortunately to break out, and some

unforeseen emergency arose, it must not be supposed that the strength of the country for naval warfare depended upon the Government dockyards. His hon. Friend the Secretary to the Admiralty (Mr. Shaw Lefevre) had well stated the other night, that this country had enormous resources in the way of ship-building, no less than 391,000 tons having been added to our mercantile navy in 1871, as compared with 212,000 tons in 1861, and his hon. Friend further stated that "were it necessary to renew our fleet, in a short time our private shipyards could do so." Under these circumstances he (Mr. Rylands) had no hesitation in asking the Committee to support his Motion to reduce the vote by £50,000.

Motion made, and Question proposed,

"That a sum, not exceeding £1,065,080, be granted to Her Majesty, to defray the Expense of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1874."—(Mr. Rylands.)

MR. WYKEHAM MARTIN said, he had no doubt that the Admiralty would get a proper amount of work from those whom they employed in the dockyards. He thought the best work was that turned out of dockyards, which he attributed to the large amount of superintendence which prevailed, and which rendered it almost impossible that a piece of bad work could be slipped in. In the Devonport dockyard, and in some other dockyards, he was informed an increase of pay was given in proportion to the length of service, but in Chatham dockyard a very different system prevailed; because in that dockyard, it was in the power of the Petty officers to give an increase of pay entirely at their own caprice, and without any reason assigned. That was a system which could hardly be expected to work well. To such a height had dissatisfaction gone, that in spite of the rules and of the risk which the men ran, he had received several letters from them, mentioning instances in which the pay had been distributed unfairly. He hoped the Admiralty would look into the matter, as it was of the greatest importance to the well-working of the dockyards.

MR. SCOURFIELD said, the duty of the Government was to select the best existing gun, and not to wait for the development of an imaginary superior.

Mr. Rylands

As to reducing the work in the dockyards, trusting to what had been called "the open market," he was afraid that without the dockyards, the open market would become very close indeed in case of war. The remedy for that would be keeping open both the public and the private dockyards.

MR. B. SAMUELSON asked, what was the actual damage done to the turret of the *Glatton* when fired at? The House had been told that the damage done to the turret was but slight, yet the vessel had only just come out of dock after being under repair for nearly 11 months.

LORD HENRY LENNOX said, that although he proposed to move a slight reduction of the Vote, he could not accede to the Motion of the hon. Member for Warrington (Mr. Rylands), who, in his opinion, misapprehended the whole case of the dockyards as they now existed. The hon. Member was evidently only just beginning his apprenticeship in a knowledge of naval affairs. He (Lord Henry Lennox) had also once been under the impression that there was a waste of power in the dockyards; but he now said, as he had often explained to the House, that repairs governed the strength of the fleet—that was, if the Channel Fleet were compelled to put into Portsmouth for repairs, the artificers must be taken altogether from building and must be employed upon repairs. What he complained of the right hon. Gentleman was that he placed too high the amount of shipping which he expected to have built within the year, for in the last two years this estimated amount had not been reached by 8,000 tons. As to the type of ship, he did not believe that in our day we could expect to produce a perfect type of ship to fulfil all the duties which a vessel of war was called upon to perform. If every Government in Europe would agree to stay their hands till a perfect type could be produced, we might safely do nothing; but the difficulty was that foreign countries would keep building. Where, then, should we be if the advice of the hon. Member were taken? He cordially approved of the policy of the right hon. Gentleman the First Lord of the Admiralty in keeping up the number of men employed in the dockyards, and he should, therefore, vote against the Amendment of the hon. Member for

Warrington. He trusted the right hon. Gentleman would not lose sight of the suggestion given him by the hon. Member for Chatham (Mr. Wykeham-Martin), that the existing system of classification should be well considered in reference to the distribution of the increased pay of the men employed in dockyards.

MR. SAMUDA said, he also could not vote for the reduction of the Vote, for he agreed in the principal cause that had led to its increase—the rise of wages. He would remind the Committee that the increase in the rate of wages in the dockyards was not at all equal to the advance that had taken place in all other classes of labour. It should also be remembered that by keeping a command over the number of men on the establishment the Government was able to fix and regulate the amount of work they wished to have done, and also insure a fixed rate of wages instead of a fluctuating one. The men knew they would have constant work, and a provision for old age, and they were therefore willing to work for a lower rate than they would accept outside the Government employ. The hon. Member (Mr. Rylands) talked of 11,000 men in 1870-71 building 15,000 tons of shipping, whilst this year 13,000 men were only to produce 13,000 tons; but he forgot that in the former period, the Estimate was not fulfilled, and, instead of 15,000 tons, the amount of work actually done was some 4,000 tons less than that anticipated. He should like to see a less number of men employed upon repairing as compared with those engaged in building. He regretted that upwards of 20,000 tons of shipping had to be struck off from the Navy every year from becoming obsolete or otherwise useless; but the country could not allow the Navy to go back, and the worst possible policy would be that suggested by the hon. Member—to stop building, and wait for improvements in the class of ships required, imagining that by so doing he would avoid spending money in building imperfect ships. The proverb that the best was always the greatest enemy to the good was strictly applicable in such a case; and it was absolutely necessary that we should keep up our Navy, so as to be ready for any emergency that might arise, because we could not go into the market and buy war-ships as other things could be

bought when wanted. We should, at least, keep pace with foreign nations, and always have regard to the fact that the cost of the Navy was the premium of insurance we paid for our national security.

SIR JOHN HAY thought that the hon. Member for Warrington (Mr. Rylands) had failed to persuade the Committee, that it would be desirable to make the reduction on the grounds that he had pointed out. If these men were not to be constantly employed, strikes and other obstacles might arise when sudden emergencies arose for the execution of important works, and the object of the Government keeping the dockyards at all would be entirely defeated. One of the first changes made by the present Government was to reverse the proportion of men employed in building and repairing, but he was glad to see that a more just proportion had now been restored. In 1869-70 there were estimated 5,899 building and 8,168 repairing. This was altered in 1870-71 to 6,349 building and 4,793 repairing. This year we had nearly reverted to the old proportion, 4,700 building and 8,697 repairing being the number proposed. Considering that the work done in 1871-2 fell short of the Estimate by 1,354 tons, and in last year by 6,768 tons, it was not surprising that the expenditure contemplated in the Estimate had not been exceeded.

Mr. STONE thanked the right hon. Gentleman the First Lord of the Admiralty for the patience with which he had listened to the complaints of the men, the disposition he had shown to investigate their cases fairly, and the degree of liberality he had extended to them. He doubted whether the "life contract" on which the hon. Member for Warrington (Mr. Rylands) had dwelt, was so advantageous to the men as he supposed, and he believed that had they been left without any prospect of advance, with wages outside much higher, the Admiralty would no longer have had the pick of the best workmen; while the building of ships of war was so peculiar, that it would not be safe to depend on men trained in private yards. He demurred to the present being deemed a final arrangement, for under similar circumstances, and whenever hardships arose, the door should be still open. He complained that painters, riggers, and sail-

makers were not treated with sufficient liberality in Portsmouth dockyard. The painters had recently received an advance of wages; but it was not equal to the extra pay they had formerly received for painting the Royal yachts, which occupied a considerable portion of the year. Under the old wages, and with that extra, the annual income of a painter was £64; with the recent advance and without the extra for the Royal yachts, which had been abolished, it was only £62. The sailmakers received from 2s. to 3s. a-day, as against 4s. outside the dockyard, and the riggers equally grumbled at the inequality and insufficiency of their wages.

Mr. G. BENTINCK said, he must remind his hon. Friend the Member for Warrington (Mr. Rylands) that he had quoted an observation of his which was applied to a totally different subject. When he had said in reference to the Admiralty dockyards, that if private yards were conducted on the same principle the proprietors would very soon be ruined, he never intended it as an argument in favour of reduction. The work done in the Government dockyards contrasted favourably, he thought, with the work done in private yards, and he attributed that fact to the keeping a large number of men constantly employed. He should like to ask the hon. Gentleman what would be the condition of this great commercial country in the event of a war breaking out. We had no ships capable of protecting our commercial marine. What ships we had would be swept off the ocean, and our carrying trade would be abolished.

Mr. GOLDSMID said, that considerable injustice seemed to have been done to the young men who had been apprenticed in the naval yards. Why had they not been promoted to vacancies, as they occurred, according to promise?

Mr. R. W. DUFF was glad that no Member of the Committee had risen in support of the Amendment. If the dockyards were done away with, where would our ships go for repairs after a naval battle? Would some go into the Thames, some into the Humber, and others into the Tyne? He thought the 100 tons of torpedo vessels which it was proposed to build this year, and the £7,000 which it was proposed to spend in torpedoes was much too small, for he looked upon torpedoes as one of the

most important modern inventions in naval warfare. He hoped the right hon. Gentleman would state whether torpedoes were to be managed by naval men, or officers of the Royal Engineers?

SIR JAMES ELPHINSTONE said, he had not the advantage of hearing the hon. Member for Warrington (Mr. Rylands), and never listened to him when he could help it. With regard to the increased pay in the dockyards, the men were, no doubt, very glad of it; but the increase was very inadequate, and did not bring the rate up to the standard of pay in private yards. There were very many petty exceptions which it would have been better for the Admiralty not to have made. He could assure the right hon. Gentleman that he would continue to agitate this question until the pay of the dockyard labourers was made adequate, though he did not mean that they should be brought up to the rates in private yards.

MR. GOSCHEN said, it was never intended to bring up the pay of the men in the dockyards, to that of the men in the private yards; because the former had exceptional advantages, one of which was employment all the year round. As to differences between different men, the Admiralty had been animated by a desire to do justice to all, and it was only to be expected that some should feel aggrieved, because it was almost impossible to meet the expectations of all. It was never professed that there was to be a general advance all through the yards. Every shipwright, high or low, had an increase. [MR. WYKEHAM MARTIN: I wish it were so.] There might be special cases in which it was not; but discretion had been left to local officers who, as the hon. Member for Hastings (Mr. T. Brassey) had often urged, ought to be invested with some authority to discriminate. No doubt, an hon. Member who was open to receive complaints, would have many letters addressed to him on the subject. However, if there were instances of injustice established to the satisfaction of the Admiralty, they should be strictly inquired into, and a local officer guilty of favouritism or the reverse should be called to account. Referring to the point which had been raised about apprentices, the principle which the Admiralty acted upon, was to select the best from among them, and promote them to the higher establish-

ment; and as to the general question raised by the hon. Member for Warrington (Mr. Rylands), it was unnecessary to say much, as the Committee did not take the view that the Vote should be reduced. There was plenty of work to be done, and the reason more money was asked for was that more might be given to repairs. To avoid the errors in Estimates which had been made on both sides of the House on former occasions, the Admiralty had placed themselves in communication with the authorities in the dockyards, and had gone over ship by ship, making a list of such as ought to be repaired, and consulting with the dockyard officers as to the number of men required. The result had been embodied in a more accurate programme than had ever been placed before the House; and it had been thought necessary to take the men, because it had been deemed requisite that the work should be done. It was not candid of the noble Lord opposite (Lord Henry Lennox), to speak of their falling short by 8,000 tons, because that had been already explained to be the accumulated errors of three or four years in the estimate of work done on ships, which it was difficult to determine precisely. The repairs to the *Glatton* had not been more extensive or more serious than had been anticipated. There had been some delay in providing new armour plates, but the work had not been specially hurried on. There had been no more mischief done to the ship than was expected in the first instance. Considerable preparations had been made for the manufacture of torpedoes, although the money spent had not been so large as might have been expected. There were a large quantity on hand, and arrangements were being made in the Channel and Reserve ships to fit them with torpedo rooms for the training of officers and men. Hitherto instruction had been carried on by dummies which were tied to the ships, the torpedoes being kept in reserve. A small and fast torpedo ship was being built, which it was expected would be better adapted for working torpedoes, though of course the Whitehead torpedo could be successfully used from other ships. Arrangements were being made to divide the duty of laying down torpedoes between the Army and the Navy, and there would be a Joint Committee of gentlemen from

the War Office and the Admiralty to carry them out on the general principle of leaving defensive torpedoes to the Army and sea-going and offensive torpedoes to the Navy.

MR. WYKEHAM MARTIN said, he wished to explain that, so far as he knew, the men who had brought this grievance under his notice were in the receipt of the increased pay; but their object was to show the universal discontent that prevailed amongst the other men, under the impression that a gigantic system of favouritism was growing up in the dockyards.

MR. RYLANDS said, he was not surprised at the result of the discussion; and, under the circumstances, he would withdraw the Amendment.

Motion, by leave, *withdrawn*.

Original Question again proposed.

LORD HENRY LENNOX, who had given Notice of his intention to move to reduce Vote 6 by the sum necessary for the commencement of the new mastless turret-ship of the *Fury* type, said, it was with some reluctance and great difficulty he had brought forward his Amendment, because his object was not to diminish the sum to be devoted to our iron-clad Fleet, but he was anxious that the money proposed to be spent on that new mastless turret-ship should rather be applied to the building of a fully-rigged cruising iron-clad. It was now four and a-half years since a full-rigged cruiser had been laid down, a fact which implied the consideration of the question as to what was the general condition of our iron-clad Navy, both with regard to the number and nature of the vessels, and their repairs. Last year, the right hon. Gentleman the First Lord of the Admiralty came down to the House and earned his (Lord Henry Lennox's) approbation, and that of his right hon. Friend the late Member for Tyrone (Mr. Corry), by stating he was convinced of the necessity of laying down and adding to the Navy two large broadside iron-clad ships—the *Superb* and the *Téméraire*. Months elapsed without any sign of the *Superb* or the *Téméraire* being even commenced; and in the autumn, in consequence of some letters which the right hon. Gentleman described as “scolding letters,” but which he thought were only dictated by a patriotic sense of duty on the

part of those who looked into those questions, it appeared that the reason why one of those vessels, the *Téméraire*, was not commenced as a broadside ship was because the Admiralty were going to make it a mastless iron-clad. Such a change in the Naval programme ought never to be made without being submitted to the sanction of the House. The other night the right hon. Gentleman said, the Admiralty proposed to go on with a broadside iron-clad and with the new *Fury*; and that was all the work in new iron-clads to be done this year. [Mr. GOSCHEN: And one at Portsmouth.] He (Lord Henry Lennox) did not understand so. Then that would make four. Two, however, ought to have been begun and advanced to a considerable extent last year, and virtually the programme for this year was one ship at Portsmouth, to be advanced at the rate of 500 tons, and the new *Fury* at Pembroke, to be advanced at the rate of 654 tons. He wished to ask whether it was correct that the only iron-clad tonnage to be added to the Navy this year was that which was represented in the dockyards, and which amounted to a total of only 7,600 tons. If so, that was below the average which the right hon. Member for Pontefract, when First Lord of the Admiralty, declared to be right for this country to build, for in 1870 that right hon. Gentleman (Mr. Childers) said they ought at least to add 12,000 tons of iron-clad tonnage annually to the Navy; but, according to the Estimates now before them, they were this year to add, instead of 12,000, only 7,600 tons, even if their programme was fulfilled. That being so, he asked for an explanation why £211,411 was asked for on account of iron armour-plated ships? [Mr. GOSCHEN explained it was a misprint, and was an aggregate liability.] However that might be, he (Lord Henry Lennox) had been put to much time and trouble in endeavouring to trace the amount. Another fact had greatly influenced him in asking the Committee to reject the Vote for that mastless turret-ship of the *Fury* type, with a view to spending the money upon another fully-rigged iron-clad. In 1872-3, 10 iron-clads were down for repair. Of that number, four re-appeared this year; therefore it was clear they had not been repaired. One was repaired, and, he believed in commission.

Mr. Goschen

But there remained five other iron-clads about which he thought the Committee would like to hear something, and those were wooden iron-clads. In speaking of the *Prince Consort*, one of the five, the right hon. Gentleman the First Lord of the Admiralty said last year that her condition was not serious in the sense of being dangerous; but the cost of removing the partially-decayed timber would be so heavy that it was very doubtful whether it would be worth while to do it. If they were to be told that these wooden iron-clads were to be stop-gaps no longer, but that they had served their time, and were not to be counted as effective for the future, some steps ought to be taken to make up for the deficiency which their removal from the service would cause. The reason, therefore, he wished to have the *Fury* changed into a broadside-ship was that in cruising broadside-ships of that class we were excessively weak, while we were quite strong enough in ships of the *Devastation* type, which were avowedly experimental. The Admiralty ought to stay their hands in reference to that type until the trials of the *Devastation* were completed, and ought not to lay out £380,000 or £400,000 upon a sister ship to the *Fury*. The noble Lord concluded by moving that the Vote be reduced by £15,150, and said he hoped it would be clearly understood that he did not wish to prevent the laying down of another iron-clad, but to induce the Admiralty to change the design of the ship they contemplated.

Motion made and Question proposed,

"That a sum, not exceeding £1,100,080, be granted to Her Majesty, to defray the Expense of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1874."—(Lord Henry Lennox.)

MR. GOSCHEN said, he did not see how another ship could be substituted for the new *Fury* that year, and if the Motion of the noble Lord the Member for Chichester (Lord Henry Lennox) were carried, its effect would be to prevent the commencement of a new iron-clad for upwards of a year. It was not proposed, moreover, to produce an exact copy of the *Fury* or *Devastation*, but that the ship intended to be built should answer the description given by Sir Spencer Robinson—that was to say, that it

should carry the heaviest possible guns, with the thickest possible armour; that it should be of the same size as the *Fury*, of the same coal-carrying capacity, of the same speed, but that it should be a modification of the *Fury*. The Admiralty hoped also to be able to place in the new ship guns very much larger than the guns in the *Devastation*, for there had lately been a great advance in the science of producing big guns, and by some new hydraulic arrangements which had been produced by Sir William Armstrong's firm it was possible to mount guns of 50 to 60 tons each in vessels no larger than the *Fury*. In view of that arrangement, a re-distribution of the armour would have to be made, as ordinary armour would not be capable of resisting the tremendous power of such ordnance. Under these circumstances, he thought the noble Lord would not wish the Committee to take a course which would prevent the Admiralty from taking any steps which would enable us to remain ahead of other countries in this matter, for the Amendment he had proposed would prevent the Admiralty from proceeding with the building of a class of ships which they thought we required.

MR. SAMUDA said, the discussion of the Amendment involved nothing less than the shipbuilding policy of the Admiralty; whether the *Devastation* would be the ship of the future, and whether the Government were justified in building several vessels of similar type without further reconsidering the matter. In 1860, we determined to cover our ships with armour—and made the armour more than equal to the guns, and our policy was intelligible, but the power of the gun had now so completely overtaken the power of defence, that the conditions of naval construction were entirely changed, and it had become impossible to make armour thick enough to resist the gun; in addition, other circumstances had to be taken into consideration which had no existence before, and the whole matter had to be re-considered. In his opinion, therefore, we should now give up all attempts to keep out solid shot; we should only have armour thick enough to keep out shell, and rely mainly on the improved power of offence as being of equal or greater importance than those of passive resistance; not only was

this powerful armament now available, but so also was the use of the torpedo, and the question took this form, should not the principal feature in new ships be so to utilize these new tremendous powers of offence that passive resistance might to a great extent be disregarded—and this led to the conclusion that the time had arrived at once to decrease considerably the thickness of armour. Now, if we confined ourselves to keeping out shell, only 5 inches of armour would be sufficient, and with this reduced thickness in the hull, he would abandon it altogether round the guns. This would enable a vessel to be constructed, of only about 4,500 tons burden, to go 16 knots, and to carry eight 35-ton guns instead of four only, while by adopting the corvette system, with falling bulwarks, he would obtain the power of concentrating the whole fire on either broadside, and of bringing six out of the eight guns into use if chasing or being chased. A light rig should be adopted sufficient to navigate the vessel when necessary, and a most important addition to the armament should be four torpedo steam launches carried in the davits, capable of steaming 16 knots, or of towing a torpedo 13 knots. He would ask what class of vessel could cope with this—certainly not a *Devastation*, for with such a vessel as here suggested, her speed would enable her to choose her position, while her guns would be more powerful and effective than any hitherto adopted or even suggested—and while keeping her enemy at any distance she chose, by lowering her torpedo boats under the smoke of her guns, she could harass, disable, and destroy any adversary. We ought not then to go on multiplying ships of the present type, with thick armour, which, after all, was useless against the heavy guns which were now made. But he would not ask the Government to lay aside all their present plans and adopt at once and without due consideration, so great a change, and he was not prepared to abandon the programme they had presented to the House. It was of far less moment to the country to build a ship too much than one too little. The *Devastation* was a formidable ship, and would be safe at sea; notwithstanding, in his view, she was not the ship of the future. He would suggest that the noble Lord the Member for Chichester (Lord Henry Lennox)

Mr. Samuda

should not divide the Committee, but leave it to the right hon. Gentleman the First Lord of the Admiralty to see whether he could not apply the sum in question to completing more quickly a ship of similar type.

SIR JOHN HAY said, that the promise of the right hon. Gentleman at the head of the Admiralty was not satisfactory. His noble Friend did not wish to prevent a ship being built, but he declined to commit the country to another ship of the *Devastation* type before the *Devastation* had been tried, seeing that there were already two others in process of construction. No doubt the *Devastation*, properly handled, would be safe near the coast, but he objected to proceeding with another mastless ironclad until the new *Fury* was completed. He pressed for some information as to the repair of ironclads. Nine had been put down for repairs without being repaired, and it was important to know how many of these were really on the effective list.

ADMIRAL ERSKINE protested against the *Devastation* being described as a "mastless" ship. Her mainmast was 96 feet high, which was at least the height of the mainmast of the *Monarch*, one of the highest in the British Navy. If the experiments made were to be trusted, he would take a more favourable view of the stability and buoyancy of the *Devastation* than even her constructors or admirers, for they seemed to entertain apprehensions as to her power of carrying canvas. It was of the greatest importance that she should be able to carry canvas as a means of increasing her speed and economizing coal, for she could not carry enough coal to take her across the Atlantic and back.

MR. STANLEY asked the right hon. Gentleman the First Lord of the Admiralty to give them some fuller particulars with regard to the ship which they were asked to build. If the type of the ship were to be altered, it should be with the full concurrence of the House.

MR. GOSCHEN said, that information would be given to the House before the ship was begun. It should be given at once, but that he was anxious to have the design completed before committing himself to details, or else he should lose nine months. The ship, however, would not be of the *Devastation* type in the shape of her bow and her stern. The authorities in the Construction Depart-

ment were considering whether it would be possible to utilize the mast of the *Devastation*, so as to allow her to carry a certain amount of canvas under jury rig. As regarded the *Devastation*, she could not carry sails without impeding the bow fire, and that he was most anxious to preserve. These sails might prove serviceable, not in ordinary times, but on an emergency. He did not wish to be in such a position that it might be said next year that foreign Powers had already gained upon us, and had got a better and a stronger kind of ship than we possessed. Therefore, he hoped the Committee would grant the money, no portion of which should be spent until he had stated to the House the exact type of vessel which it would represent. With regard to the wooden ironclads, the Admiralty did not propose to spend any such sums as £60,000 or £70,000 in order to make them as good as new. The thinness of their armour would not justify so large an expenditure; but, nevertheless, they were capable of rendering good service in time of war, and the Admiralty were now considering the amount of money which should be expended on them.

COLONEL WILSON - PATTEN suggested to his noble Friend that after the explanation which had been given by the First Lord of the Admiralty, he should not for the present take a division on his Motion.

LORD HENRY LENNOX said, as the object which he had in view had been gained, he would yield to the suggestion and withdraw his Amendment.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(6.) £70,935, Victualling Yards at Home and Abroad.

(7.) £62,214, Medical Establishments at Home and Abroad.

(8.) £18,683, Marine Divisions.

House resumed.

Resolutions to be reported *To-morrow* ;  
Committee to sit again upon *Wednesday*.

# CONVEYANCING (SCOTLAND) BILL.

[BILL 108.]

(Mr. Secretary Bruce, The Lord Advocate, Mr. Winterbotham)

COMMITTEE. [*Progress 12th May.*]

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 3 *agreed to*.

Clause 4 (Renewal of investiture abolished.)

MR. GORDON moved, after "superior," to insert—

"And it shall not be competent for the superior in any case to insist upon such person taking out any charter, precept, or other writ by progress."

The hon. and learned Member said, he had also prepared Provisos relating to infertment, and confirmation, and other points which he would afterwards move.

THE LORD ADVOCATE said, it had already been determined that it was not competent to insist on charters being granted; and the Provisos proposed were altogether inconsistent with the Bill.

Question put, "That those words be there inserted."

The Committee *divided*: — Ayes 62 ;  
Noes 102 : Majority 40.

MR. McLAGAN moved, after the word "superior," to add words requiring the new owner within three months after acquiring his rights to produce his titles to the superior or his agents in order that entry might be made.

After short Explanation,

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 5 to 7, *agreed to*.

Clause 8 (Estates to vest in heirs without service.)

MR. GORDON moved to leave out from beginning to line 11, and before "shall" insert words providing that "estate shall vest without service in case of proprietor dying intestate."

Amendment *negatived*.

Other Amendments moved and *negatived*.

Clause *agreed to*.

Clause 9 (Completion of heirs' title.)

MR. GORDON moved, in line after "effect," to leave out to end of clause,



and insert the words "Completion of title when deceased heir not served." He thought it strange, when the Scotch system was being introduced into England, the Lord Advocate should propose to abolish it in Scotland.

THE LORD ADVOCATE opposed the Amendment. He regarded the procedure in regard to service as altogether superfluous. If there was no dispute of a man's right to succession, there was no reason why he should go through a complicated procedure; if there was a dispute, it ought to be raised in the ordinary Courts of Law, and settled in the ordinary way.

SIR EDWARD COLEBROOKE thought the attention of the Lord Chancellor should be drawn to this proposed alteration of the Scotch law before the system of service was adopted in England.

THE LORD ADVOCATE said, that the authority of the Lord Chancellor was different from that of the Sheriff of Chancery.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided :—Ayes 79 ; Noes 41 : Majority 38.

Clause agreed to.

Committee report Progress; to sit again on Friday.

#### LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT BILL.

On Motion of Mr. HERON, Bill to provide facilities for the purchase of Lands by Tenants in Ireland, and to amend and alter Part II. and Part III. of "The Landlord and Tenant (Ireland) Act (1870)," ordered to be brought in by Mr. HERON, Mr. JOHN BRIGHT, and Mr. PIM.

Bill presented, and read the first time. [Bill 167.]

#### NOXIOUS BUSINESSES.

Select Committee appointed, "to consider the operation of Clauses 55 and 56 of Act 7 and 8 Vic. c. 84, and the best means of making provision concerning the offensive or noxious businesses therein specified :"—Committee nominated :

—MR. HEADLAM, SIR CHARLES ADDERLEY, MR. TORRENS, MR. WILLIAM HENRY SMITH, MR. MORLEY, LORD GEORGE HAMILTON, DR. BREWER, MR. EDMUND TURNOR, SIR JOHN OGILVY, MR. DAVENPORT, MR. LOCKE, SIR CHARLES MILLS, MR. SAMUDA, MR. FREDERICK WALPOLE, and MR. MONTAGUE GUEST :—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter before Two o'clock.

Mr. Gordon

## HOUSE OF LORDS,

Tuesday, 20th May, 1873.

MINUTES.]—*Sat First in Parliament*—The Earl of Zetland, after the death of his uncle; The Lord Stewart of Garlies (Earl of Galloway), after the death of his father.

PUBLIC BILLS—*First Reading*—Peace Preservation (Ireland) \* (123); County Authorities (Loams) \* (124).

*Second Reading*—Sites for Places of Religious Worship (61); Fairs (97); East India Loan \* (109).

*Select Committee*—Pollution of Rivers \* (59), nominated.

*Committee*—Oyster and Mussel Fisheries Order Confirmation \* (95); Pier and Harbour Orders Confirmation \* (96).

*Committee—Report*—Australian Colonies (Customs Duties) (91); Marriages Legalization, St. John's Chapel, Eton \* (99); Superannuation Act Amendment \* (113).

*Report*—Registration of Births and Deaths \* (100).

*Third Reading*—Gretton Chapel Marriages Legalization \* (77), and passed.

#### SITES FOR PLACES OF WORSHIP BILL.

(The Lord Hatherley.)

(NO. 61.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD HATHERLEY, in moving the second reading of this Bill, said, it was one which had come up from the Commons. The object of the Bill was simply to enable owners of property, and especially owners having a limited interest, to make over plots of ground not exceeding an acre in extent as sites for places of public worship. He had promised to take charge of the Bill up to the stage of second reading, and his noble and learned Friend beside him (Lord Romilly) had promised him his assistance in making certain alterations which they thought the clauses required, which alterations might be adopted in Committee.

Moved, "That the Bill be now read 2<sup>a</sup>."  
—(The Lord Hatherley.)

LORD CAIRNS said, the object of the measure was good, but the Bill itself was full of imperfections.

LORD ROMILLY said, it was proposed to commit the Bill *pro forma* in the first instance, and then the necessary alterations could be introduced.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.

AUSTRALIAN COLONIES (CUSTOMS  
DUTIES) BILL—(No. 91).*(The Earl of Kimberley.)*

## COMMITTEE.

House in Committee according to Order.

Clause 1 (Short title) *agreed to.*

Clause 2 (Interpretation clause.)

EARL GREY rose to move an Amendment, of which he had given Notice, and took occasion to repeat the objection he had urged on the second reading, to the policy recognized in the Bill. He contended that as Free Trade had been adopted as the commercial policy of the British Empire, it ought to be the commercial policy of our Colonies. It was easy to say—as had been said by his noble Friend the Secretary for the Colonies—that it was perhaps better for the Imperial Parliament to act on the principle that in these matters the Australian Colonies knew what policy was best for themselves. But he (Earl Grey) denied the soundness of that proposition. It was impossible to read the Blue Books without seeing that many of the statesmen of the Australian Colonies were in such utter ignorance of the principles of political economy, that of the writings of Adam Smith and Mr. Ricardo they seemed never to have even heard. Their Lordships were aware that before self-government was given to those colonies they had been making very rapid progress, and that, while affording emigrants from this country a rich field for their labour, they enjoyed very great advantages from the influx of British colonists. We had allowed them, and he thought properly allowed them, self-government; but it was notorious that since they had got their own Legislatures there had been in those colonies gross land jobbings and other corruption. It was going too far, therefore, to say that the Australian Colonies knew what was best for themselves, and on this plea to pass Acts in the Imperial Parliament which would sanction the severance of all material ties between them and the mother country. If this were done, the nominal union could tend to nothing but the imposition of a burden and a responsibility on this country. If the Australian Colonies were to be allowed to tax at their pleasure British trade, to subject it to unfair disadvantages, and to

create artificial barriers to the natural course of British commerce, he should like to know of what advantage a continuance of the union could be to this country? He believed that to sanction such a policy was as great a blunder as it was possible to commit. He thought that our Colonies should be distinctly informed that the Imperial Government had adopted a certain commercial policy, to which if they wished to remain integral portions of the Empire they must conform. He was not, however, on this occasion asking the Government to retrace their steps—he only asked that New Zealand, which was 1,200 miles from the Australian Colonies, should be omitted from the Bill; and he begged to move an Amendment to that effect.

THE EARL OF BELMORE said, that though there were 1,200 miles of sea between the mainland of Australia and New Zealand, the people of the two Colonies followed very much the same pursuits. There were physical differences between the Colonies, but in both the colonists were Englishmen or their descendants. There was no such difference between them as to form grounds for excluding New Zealand from the benefits of this Bill. Take, for example, the case of sugar. Sugar could only be grown in Queensland and the northern parts of New South Wales. Suppose a merchant at Brisbane wanted to send a cargo of sugar in the winter season to New Zealand and another to Melbourne. In the one case he would ship it probably on board a barque which would run down before the westerly winds in 10 or 12 days. In the other case the distance was say 1,100 miles. The ship would probably have a fair wind as far as Cape Howe, but she would then have to beat up to Melbourne through Bass's Straits, and would probably be longer on her voyage than the New Zealand vessel; and why should her sugar go into Melbourne perhaps duty free, perhaps at a very low rate, whilst the cargo of the other would be charged a high duty in New Zealand? The noble Earl (Earl Grey) had talked about shutting out the produce of other countries, but as far as he (Earl Belmore) could at this moment remember, sugar from the Mauritius was the only important article likely to be much affected. It was quite true that wine was grown in Australia, but anyone who had drunk it knew that it was a very different

article from the wines of France and Germany, and very little likely to displace them. As to the Cape, which had been instanced, he was informed that there was absolutely no trade between Sydney and the Cape. It was very easy to get from the Cape to Sydney, but by no means so easy to get back again. With regard to Victoria, its tariff was, no doubt, protective; but he had recently heard that the lower classes were feeling the ill-effects of having to pay high prices for clothing, and that a feeling of opposition was beginning to grow up to protection. He doubted whether it could be asserted that the policy of our other Australian Colonies was, on the whole, favourable to protection. Tasmania had lost the convict settlements, on the expenditure of which it used to rely, and the only way of raising a revenue was by means of Customs duties. He knew that the tariff of South Australia was a revenue and not a protectionist tariff. He believed that the same was the case in Queensland. New South Wales never had a protective tariff. Changes occurred very rapidly in our colonies, and matters were very much altered since the noble Earl (Earl Grey) held the seals of the Colonial Office. Due allowance must be made for friction in dealing with the colonies, and if the Bill shut out New Zealand there would be friction of a very unpleasant kind. He trusted that their Lordships would not adopt a policy so unwise as to agree to the Amendment.

LORD LISGAR hoped the noble Earl on the cross-benches (Earl Grey) might be induced not to press his Amendment. It was impossible not to admit the force of the arguments he had adduced, or to deny them their due weight. The measure was pregnant with all the consequences he had foreshadowed; but it was the will and doing of the colonies themselves, and if it be the thin end of the wedge of eventual separation, there could be no doubt as to the hand that placed and fixed it—it was not the hand of any British statesman or any British party, but of some colonial clique greedy of commercial profit. Let this be kept in recollection. Everything that could be stated in favour of free trade and that could show the disadvantage and mischief of protection would be found placed in the clearest light in the despatches of the Secretary of State

for the Colonies. His hand was, however, forced, and when he found the colonies deaf to his arguments he preferred to make concessions. Some of the colonies were, no doubt, protectionist; in others the feeling in favour of protection was more apparent than real. Parties were so nearly balanced that Colonial Ministries were not always able to carry out their own views. During the seven years in which he was Governor of New South Wales he did not recollect any Minister who had been strong enough in the Legislative Assembly to impose direct taxation. When he had been there about four years the main issue at the General Election was Free Trade against Protection. The free-traders carried the day by an immense majority, and he did not believe that this feeling had died out. A Sydney newspaper which enjoyed a circulation seven times larger than its contemporaries said, that protection had never been adopted as a rule in that colony, and never would be. No Minister in New South Wales had ever attempted to form an Administration on protective principles. New South Wales was indispensable to any protectionist combination, and so long as it remained favourable to Free Trade any protectionist union would be impossible.

THE EARL OF KIMBERLEY said, that although the point raised by the noble Earl (Earl Grey) in his Amendment was comparatively minute, yet he did not regret that the debate had taken a wider range. He regretted that this Bill had become necessary; but the principle of self-government was even more important than the principle of free trade. He agreed that the Government were taking a serious step; but it was exaggerating its importance to say that the Bill took a step which was leading in the path of Colonial independence. It only allowed the Australian Colonies to follow a policy which other colonies had already been permitted to adopt. Long before confederation, the North American Colonies were allowed to establish differential duties between themselves and it was remarkable that the commencement of that policy dated from 1850, when his noble Friend on the cross-benches (Earl Grey) held the seals of the Colonial Office. The Canadian Legislature in that year passed an Act providing that the Governor in Council might declare any article which

was the growth, produce, or manufacture of the British North American Provinces or possessions, or any one or more of them, to be admissible into Canada free of duty, and might determine under what circumstances, conditions, and regulations they should be admitted. It was true his noble Friend did not advise assent to that measure; but, on the other hand, he did not advise disallowance of it. What he did was this: Finding himself responsible for the maintenance of good relations between this country and one of our great colonies, his noble Friend did not venture to advise the disallowance of the Bill, but he suggested an Amendment—which, however was disregarded by the Colonial Legislature, and the measure passed into law, and remained in force until 1859, when it was superseded by other legislation. The action taken then was similar to that which had since been taken; for it had been found inadvisable to refuse the request of the Australian Colonies to obtain power to impose differential duties as regarded their trade with each other. The Amendment moved this evening by his noble Friend had for its object the exclusion of New Zealand from the operation of the present Bill. He admitted the other night that New Zealand differed from the other Colonies, inasmuch as it was disunited from them by a considerable interval of sea; but as the noble Earl (the Earl of Belmore) then pointed out the distance from New Zealand to the nearest part of Australia was not greater for all practical purposes than the distance from one part of Australia to another, and in point of fact the intercourse between New Zealand and the Australian Colonies was extremely close. The total of the imports into New Zealand in 1871 was £4,078,192, and the total of the imports into New Zealand from Australia was no less than £1,970,159. Moreover, the latter was a constantly increasing trade. It should be borne in mind that New Zealand, although situated at a distance from Australia, belonged to all intents and purposes to the great Australian group of Colonies. The similarity of opinion between the different Colonies was remarkable, and it would be unreasonable to withhold from New Zealand a power which was granted to Australia. This was not a point in re-

gard to which it would be wise to maintain a stubborn and unyielding opposition to the wishes of the Colonies themselves, and certainly it was very unwise to take their stand upon points in reference to which they could not maintain their position. If, however, no such opposition was advisable, no course remained open except that which Her Majesty's Government had pursued. They had placed before the Colonies the objections they entertained to the course intended to be pursued. They had given them time for reflection, and when they found that, after full consideration, they were firm in their opinion they thought it their duty no longer to resist the concessions that were desired. But Her Majesty's Government had by no means conceded all the powers which some of the Colonies asked for. They had not empowered the Colonies to conclude Treaties with foreign Powers, nor had they broken down the restrictions upon differential duties on goods imported to the Colonies from foreign countries or from this country. They had simply enabled the Colonies to make reciprocity arrangements with one another as regarded the products of the Colonies themselves. It would, in his opinion, be most unfortunate if, in these circumstances, their Lordships should be induced to accept the Amendment of his noble Friend.

*Amendment negatived.*

Bill *reported* without amendment; and to be read 3<sup>a</sup> on *Friday* next.

FAIRS BILL — (No. 97.)

(*The Earl of Feversham.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF FEVERSHAM, in moving that the Bill be now read the second time, said, its object was to remove some inconveniences which attended the existing law with respect to fairs. For this purpose it repealed altogether the Fairs Act of 1868, and enabled the Secretary of State for the Home Department, on the representation of the magistrates of the petty sessional division within which any fair was held, or of the owner of any fair, to alter the days for holding such fair. The 7th clause held intact all rights of the owner.

*Moved*, "That the Bill be now read 2<sup>d</sup>."—(*The Earl of Feversham*.)

THE EARL OF POWIS thought the Bill ought to provide that in any case in which it was proposed to prolong or to abridge a fair by application to the Secretary of State, notice should be given of the application by those who made it—by the justices to the owners of the land, or by the owners of the land to the justices, as the case might be—so as to prevent private injury or public inconvenience on the one hand, or injury to public morality on the other.

Motion agreed to: Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Monday next.

#### PUBLIC WORSHIP FACILITIES

BILL—(No. 56.)

(*The Earl of Carnarvon*.)

Suspension of Standing Order, No. 34a.

Standing Order, No. 34a, considered (according to order).

THE EARL OF CARNARVON said, that through oversight and inadvertence, this Bill, after coming from the Commons, had remained on the Order Book three weeks and a day without any Peer giving Notice of his intention to move that it be read a second time; and thus, by one day's delay, it had come under the operation of the new Standing Order that a Bill from the other House should not be proceeded with if no one took it up within 12 sitting days. The object with which that Standing Order was passed was to remedy a grievance—the crowding of their Lordships' Order Book towards the close of the Session with Orders relating to Bills that were not to be carried further. This Bill stood in an exceptional position, as it had come from the other House early in the Session, and it had the concurrence and support of the entire Episcopal Bench. The Bill had been placed in the hands of a Member of the right rev. Bench, but had been returned to him (the Earl of Carnarvon) with the request that he would take charge of it. But it happened that, when he came down accordingly to give Notice of the second reading, he found that the Bill had already fallen under the provision of the Standing Order. Under these circumstances, he proposed that the Standing Order should be considered in order to its being dispensed with. He

understood that his noble Friend the Chairman of Committees contended that the Bill was actually extinct, and that no suspension of the Standing Order could revive it. On the other hand, he (the Earl of Carnarvon) maintained that the Bill was not dead, but merely in a state of suspended animation, and that if the Standing Order were suspended the Bill would revive. The words of the Standing Order were that "the Bill should not be entered on the Minutes, and should not be proceeded with."

LORD REDESDALE: During the Session.

THE EARL OF CARNARVON: But when the Standing Order was suspended the bar was removed and the Bill revived. Their Lordships were in the habit of suspending their Standing Orders with reference to Protests being entered on the Minutes, and he ventured to think this was really a case in which he had a right to ask that, as a matter of convenience, in a case where there had been no *mala fides*, the Standing Order should be suspended. The noble Earl then moved that the said Order be dispensed with in respect of the said Bill.

LORD REDESDALE thought the Order an important one, and it was very necessary that their Lordships should properly deal with it. The Order was that "the Bill should not be proceeded with in the same Session," and they all knew what was meant by an Order that a Bill should not be proceeded with—it meant that the Bill could not be renewed—could not be brought up again. He was not expressing his own opinion merely, but also the opinion of the noble Lord the late Speaker of the House of Commons. He took the Bill to be dead, and the Bill had been dead a fortnight before notice had been taken of it.

LORD CAIRNS said, he would take but a small part in this *post-mortem* inquiry. It was no doubt true that the Bill could not be proceeded with this Session if the Standing Order was not suspended; but if the Standing Order was suspended, the estoppel to the further progress of the Bill was removed, and the Bill, like any other Bill, being free from the operation of the Standing Order, would proceed. He must say if ever there was a case in which it was just and proper that the Standing Order

should be suspended, it was the present. He did not object to the Standing Order, which was an excellent one, its object being to prevent Bills which had come up from the other House in ample time for discussion being allowed to lie dormant till near the close of the Session, when many of their Lordships had left town, and then being suddenly revived after they had been lost sight of. This Bill did not come within that class. There was still plenty of time to proceed with it, and ample notice might be given. By suspending the Standing Order he thought that they would be doing what was just without infringing on the principle of the Standing Order. There was another reason why they should do so. It was perfectly competent for those who were anxious to proceed with the Bill to lay on the Table the identical Bill as a fresh Bill originating in that House, and after it had passed its different stages to send it down to the other House, which could have no objection to it, seeing it had passed the present Bill.

VISCOUNT PORTMAN objected to the suspension of the Standing Order in question in this case. He considered that the Motion was too late, as the Bill was extinct under the Order, and suspension was always moved before the Order had taken effect. Lord Eversley agreed with him in that opinion, and if the Bill had been regularly removed from the Table under this Order it was not wise to revise it by this process, as the noble Earl could bring in as a new Bill an almost identical measure. To consent to such a suspension would, he feared, lead to bad results in the case of Private Bills. There was no fair comparison between this case and those cases referred to by the noble Earl who had introduced the subject. To rescind Standing Orders relating to general legislation was a very serious matter. He could not, therefore, assent to the precedent which the adoption of the noble Earl's Motion would lay down.

THE LORD CHANCELLOR said, he concurred in the opinion which had been expressed by his noble and learned Friend (Lord Cairns). In the present state of the case their Lordships had nothing to do with the merits of the Bill, and for himself, he had not studied it so as to be acquainted with its merits or demerits—all he knew was that it was a measure of some public importance,

that it had the approval of some members of the right rev. Bench, and that it had passed the House of Commons. There could not be a doubt as to their Lordships' power in this matter—the Order that a Bill in the position of the present should not be proceeded with operated until it should be their Lordships' pleasure to dispense with it. The Standing Order was useful as a weapon of defence in their Lordships' hands; but if they treated it as admitting of no suspension, they might perhaps raise questions in which they might not be wholly right between that and the other branch of the Legislature. If an Order of that kind were simply an arbitrary rule that a Bill which had come up from the other House must be proceeded with in a limited time, there might be persons who would call in question the suitableness and propriety of such an Order. It was quite otherwise if they retained in their own hands the power, on reasonable cause, of which they were the judges, of dispensing and relaxing the Order. If their Lordships refused on such grounds as those suggested to allow such a Bill to go forward, they would simply abdicate their own powers over their own regulations. But of course their Lordships would not relax a Standing Order of this kind without good and sufficient reasons.

THE EARL OF SHAFTESBURY said, it was undoubtedly in their Lordships' power to suspend Standing Orders if they pleased; but if they were to suspend them on such grounds as had been advanced in this case, it would be better not to have Standing Orders at all. Standing Orders gave an assurance that a particular measure would not be proceeded with when once certain conditions were not fulfilled. He was not going to enter into the merits of the Bill—all he would say was that many persons had spoken to him on the subject, and he, relying on the Standing Order, told them that the Bill was extinct, and that they had no reason to trouble themselves further about it.

THE MARQUESS OF BATH said, he could see no ground for refusing the suspension of the Standing Order in the case of this Bill if their Lordships saw that the occasion was sufficient. There was scarcely a Session in which Standing Orders were not suspended five or six times.

THE DUKE OF NORTHUMBERLAND was understood to oppose the Motion.

THE MARQUESS OF SALISBURY admitted that the Standing Orders afforded their Lordships considerable protection in the conduct of business; but when they considered the period of the Session and the fact that sufficient Notice had been given, he thought the Standing Order might be suspended in this case without inconvenience. He would suggest, by way of precaution against abuse, that they should put some such Preamble as the following to the Resolution:—

“Whereas the Session is not far advanced and it is convenient to interpose an interval of not less than three weeks between this time and the second reading of the Bill.”

EARL GRANVILLE said, he did not admit that the inconvenience of suspending the Standing Order was so great as to require such an apology. It was quite right that the House should take some measures to remedy any abuses arising from delay, but he was not aware of a single case in which there had been any intentional delay in taking up Bills—here there had been no intentional delay, and it would be better to alter the Standing Order than to preface the Resolution suspending it by such a Preamble.

LORD DYNEVOR opposed the suspension of the Standing Order.

EARL BEAUCHAMP pointed out that if the Standing Orders were maintained, no great harm would be done after all, for things would go on for the next 12 months just as they had from time immemorial. Whatever else the Bill was intended to remedy, it would be better to bear them for a while than to incur the evils which might arise from suspending the Standing Order.

THE DUKE OF MARLBOROUGH thought the very fact that there were numbers of persons out of the House who objected to the Bill, was a reason why the Standing Order should be suspended, and the Bill considered on its merits. It was far better, even in the interests of those who were opposed to it, that it should be rejected on its merits—if rejected it should be—than that it should be defeated by the indirect operation of a Standing Order.

THE EARL OF CARNARVON expressed his willingness to modify the Motion in the sense suggested by his

noble Friend (the Marquess of Salisbury).

THE LORD CHANCELLOR put it to the noble Earl whether it would not be an encouragement to noble Lords to move frequently at early periods of the Session that the Standing Orders should be suspended if the words in question were introduced.

THE MARQUESS OF SALISBURY said, he did not care to press the Preamble.

Motion agreed to.

#### AFRICA—WEST COAST SETTLEMENTS —THE ASHANTEE INVASION.

##### QUESTION.

THE EARL OF LAUDERDALE asked the Colonial Secretary, Whether native troops are to be sent to the coast of Africa from the West Indies; also, whether any explanation has been received from the Administrator as to his mistaken estimate of the Ashantee power? Sufficient precautions did not seem to have been taken by the Administrator against the Ashantee attack. Re-inforcements ought to have been there four months ago, and the Ashantees, after burning the villages, and murdering or making slaves of the people under the British Protectorate, must now be only a few miles from Cape Coast Castle. Another point was that the natives depended entirely upon the British Government for ammunition, but they had not been supplied with an adequate quantity. What they wanted, also was a few European Officers to lead them. With ammunition and proper leaders they seemed to behave very well in action.

THE EARL OF KIMBERLEY said, he would inform the noble Earl in a few words what was the drift of the last news received from the Gold Coast. It amounted simply to this—that since the battle in which the Fantis had, on the whole, the worst of it—although he believed they need not have retreated had they not been seized with a panic—the Ashantees had not, at the date of the last advices, made any further advance. That was the sum total of the news, which was dated the 24th of last month. He purposely omitted to mention the various rumours which prevailed, because, as the truth of them had not been ascertained, they would only mislead

their Lordships. The Ashantees, however, had made no forward movement since the last battle. He admitted that sufficient importance had not been attributed to the attack of the Ashantees, and that in the report which had been received by the Government, in the first instance, the numbers of the attacking force had been under-estimated. Allowance, however, must be made for the difficulty of procuring trustworthy information. Every measure had, however, been taken to secure the safety of the settlement. Colonel Harley, the new Administrator, had from the first attached great importance to this invasion. He knew that Colonel Harley had written to Governor Hennessey in this sense, and as he had at that period been a very short time on the Coast, Colonel Harley had shown himself by no means deficient in insight and prudence. With regard to the measures taken for the protection of the Settlement, the Government had sent out about 100 men—50 Marine Light Infantry and 50 Marine Artillery—not to form an expedition, but that they might assist in holding the forts and in protecting the coast towns. It was, as the noble Earl was aware, convenient under such circumstances to have men who could remain on board ship when they were not urgently required on land. The rainy season had now commenced, and that would impede the Ashantees in their movements. The West India troops would be re-inforced by between 200 and 300 men, so that the whole regiment would be on the Coast. The re-inforcements were the reliefs that would have been sent later, but had been despatched in anticipation. But while the Government had thought it right to send an additional body of troops to the Gold Coast, he admitted that the most efficient force was the native police. Mr. Hennessey recommended some time ago that a larger force of Houssa police should be substituted by degrees for the troops. This suggestion had received his approval; and although the increase of the native police had been somewhat impeded by recent occurrences, he had been so convinced that for all purposes of efficiency and economy it was better to have native police than West India troops on this coast, that he had communicated with the War Office requesting that four or

five officers should be selected and sent out to the Coast expressly to discipline and lead the native police. It seemed desirable that the force to be raised on the Gold Coast should be formed partly of Houssa police and partly of Fanti police, forming, however, distinct bodies of men, as it was not desirable to mix the two races, and he might mention that police who were present in the recent engagement behaved in a manner worthy of disciplined troops. Lieutenant Hopkins commanded the whole, and he was glad to find that the Administrator had reported that the behaviour of Lieutenant Hopkins, of Mr. Rowe, the second in command, and of all the white officers, was excellent in every respect. It had been stated that last week a rocket battery was sent out. It might be inferred thence that there had been no rocket battery on the Coast; but a rocket battery was used against the Ashantees, and had done severe execution against them. Indeed, if the Fantis had had the courage to advance when the Ashantees were thrown into disorder by the rockets, the result of the engagement might have been different. The Government had since sent out a further supply of rockets. With regard to the supply of powder, he was afraid it was used so recklessly by the natives, that it was almost impossible to supply their demands; but the Administrator had no instructions to limit the supply. He exercised his own discretion, and, no doubt, it was a sound one. Large supplies had been sent out, and the Government would take all the necessary steps herein. The last point to which he would advert was the discrepancy between the earlier and later statements of Colonel Harley as to the number of the Ashantees forming the army of invasion. Upon this point he would read the explanation of the Administrator, Colonel Harley, in a despatch dated Cape Coast Castle, April 12, 1873, said—

“I fear there can be little doubt now that the Ashantees are in considerable force. I had not thought so, and my conclusion was not without some reason, as knowing something of the resources of the food supply in the districts they occupy, I imagined they could not maintain so large a force as has been variously represented at 12, 16, 20, 25, and as much as 40,000 men; but from reliable and intelligent evidence this is said to be the whole fighting strength of the Ashantee Power. It appears, however, from the evidence of prisoners that large supplies of food were brought with the army from Coomassie,



carried by slaves, and that the supply is so continued. Prisoners also state that they have suffered severely in the last engagement, and that they have lost some of their head men or generals. There is no doubt their casualties must have been large, if any comparison may be drawn from our own."

This was, no doubt, a serious state of things; but the Administrator had taken prompt and active measures, and it was only due to Colonel Harley to state that, so far as he was aware, the Colonial Office had great reason to be satisfied with his proceedings.

THE EARL OF CARNARVON said, he feared we had embarked in another African war, of a costly, doubtful, and hitherto unsuccessful character. He should be glad to know whether any Papers could be laid upon the Table which would give their Lordships some clue as to the nature and causes of this war.

THE EARL OF KIMBERLEY said, there might be a difficulty in presenting all the Papers at this moment, as some of them might affect individuals, but it was the intention of the Government to lay the Papers on the Table. Meanwhile, he might refer the noble Earl to the Correspondence already published relating to the transfer of the Dutch forts to this country, which threw considerable light on the pretensions of the King of Ashantee to the territory in question.

THE EARL OF LAUDERDALE said, he would have deemed the noble Earl's remarks more satisfactory if he had held out hopes that some 5,000 men would be collected on the spot as soon as possible. He hoped the noble Earl would urge upon those who had the direction of the war the necessity of seeing that the natives had a reasonable supply of ammunition.

House adjourned at a quarter past Eight o'clock, to Friday next, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Tuesday, 20th May, 1873.*

### MERCANTILE MARINE—COMMISSION AS TO UNSEAWORTHY SHIPS.

#### QUESTION.

SIR JAMES ELPHINSTONE asked the President of the Board of Trade,

*The Earl of Kimberley*

Whether he will consider the expediency of the Royal Commission, presided over by the Duke of Somerset, in future being made an open Commission and taking evidence on oath?

MR. CHICHESTER FORTESCUE, in reply, said, the Question of the hon. Baronet referred to a subject which was not directly within the competence of the President of the Board of Trade to deal with, but which had been properly left to the discretion of the Commission, in which the Government and the House might place the utmost confidence. He had, however, communicated with the Chairman of the Commission (the Duke of Somerset), and had received from him a letter, which he would read to the House. The Duke said—

"It appears that objection has been taken to the course pursued by the Commission in excluding the public and the reporters from our room while we admit Mr. Plimsoll or his solicitor. The Committee were desirous to give Mr. Plimsoll full opportunity to make out his case and to bring before them such evidence as he could collect. On the other hand, the Commissioners decided that where the conduct of any shipowner was impugned he should at once be written to, and have a Copy of the Evidence, so far as it concerned him, forwarded to him. Inasmuch, however, as some statements might be made indirectly affecting the character of shipowners, the Commissioners have decided to communicate with the Associated Shipowners, asking them to appoint a solicitor or other person in whom they have confidence, who might watch the evidence from day to day and prepare any witnesses for a reply. My belief is that in this inquiry, where exciting assertions will occasionally be made, and where dull technical details must also be investigated, our present mode of conducting the business is the best. If the inquiry were open to the public we should require a large court, and the witnesses should be brought up to give evidence in a more methodical manner than is practised by Commissions. This Commission is not named to adjudicate upon a case brought before it, but to inquire into some alleged evils, and to suggest such remedies as may appear advisable. No one will, I believe, have any just ground of complaint that he has been unjustly treated by this Commission. The publication of the evidence as taken from day to day would be most unfair, as many statements are made to which no reply would appear until after an interval of many days. If the room were open to the public it would be necessary previously to know what a witness intended to say, in order that the parties affected by the evidence might be summoned to hear and to reply. Our object is to ascertain what remedy can be applied by Law to existing evils; incidentally the evidence may affect some persons, and it will be our duty to take care that they shall have the opportunity of vindicating their characters."

With respect to the taking of evidence

on oath, he was in a position to say that if the Commission or their Chairman saw any reason to think that they ought to be armed with that power, they would at once communicate with the Government on the subject. On that point also, and in reference to the general conduct of the inquiry, the House and the Government might place the fullest confidence in the Commissioners.

#### ELEMENTARY EDUCATION ACT— LONDON SCHOOL RATE.

##### QUESTION.

SIR JOHN KENNAWAY asked the President of the Local Government Board, Whether it is intended that the Ratepayers of London should be kept in ignorance of the amount levied on them for the purposes of the School Board by its being included in the sum charged for the maintenance of Highways under the General Rate; and, what other charges are covered by the General Rate?

MR. STANSFELD, in reply, said, that the Question ought rather to have been addressed to the Vice President of the Council, but he (Mr. Stansfeld) had referred to the Education Act, and would give what information he could. The only intention was the intention of the Act itself. On referring to the statute of 1870, he found that it required that the School Board fund should be paid out of the local rates; and that in certain cases it was a charge upon the general rate where there was one. The other expenses charged upon the general rate were what was required by the highways—paving, lighting, sweeping, and watering the roads, and for the establishments connected with these objects. He could give the House this further information—that the parochial authorities in levying a general rate might specify the purpose for which that rate was made, and the amount required for each of these purposes; and in some cases that course was adopted.

#### AGRICULTURAL LABOURERS UNIONS— FARINGDON HIGHWAY BOARD.

##### QUESTION.

MR. AUBERON HERBERT asked the President of the Local Government Board, If it is true that the Faringdon

Highway Board have dismissed certain labourers from their employment on account of their belonging to an Agricultural Labourers Union?

MR. STANSFELD, in reply, said, the Local Government Board had no jurisdiction over highway boards. But his Department had written to the Faringdon Highway Board, and had received a reply, which he would read to the House. It was as follows:—

“Edward Harris and James Wheeler, two men employed by the Faringdon Highway Board, having at a meeting of the Board admitted to the way-wardens that they would have to obey the orders of the executive committee of the Agricultural Labourers Union in any agitation for an increase of wages, with the alternative of a strike, the Board, considering they were a public body administering public funds, do not deem it expedient that their discretion should be fettered or controlled in their maintenance of the roads, or that the public should be exposed to the inconvenience of having the road works suddenly stopped by the action of an irresponsible committee; they, therefore, direct their surveyor to discharge the two men at the end of their week's engagement.”

He might add that the men were foremen in the receipt of 12s. a-week, with the addition of an extra 10s. per quarter.

#### THE GENEVA ARBITRATION—LETTER OF MR. FISH.—QUESTION.

MR. VERNON HARCOURT asked the First Lord of the Treasury, Whether the attention of Her Majesty's Government has been directed to a letter addressed by Mr. Fish to Mr. Bancroft Davis, dated October 22, 1872, and recently published by the State Department at Washington, in which it is declared that the positions maintained by the English Arbitrator in expressing his dissent from the decision of the majority of the Tribunal “seem all to be available in a possible future of the United States;” and, whether Her Majesty's Government will lay a Copy of the above-mentioned Letter upon the Table of the House, and of any Communications which Her Majesty's Government may have made to the Government of the United States in respect of it?

MR. GLADSTONE: Sir, Her Majesty's Government are aware of the existence of the paper to which the Question of my hon. Friend refers. It has not been communicated to them officially by the Government of the United States, and I am therefore not able to lay it on the Table of the House.

I need not say, we have no communications of our own to produce in relation to it.

# RATING (LIABILITY AND VALUE) BILL —GOVERNMENT PROPERTY.

## QUESTION.

MR. W. H. SMITH asked the President of the Local Government Board, If it is the intention of the Government to limit the powers of rating under the new Rating (Liability and Value) Bill to the Poor Rate, so far as Government property is concerned, or whether it is intended that such property shall be rendered liable to other local rates?

MR. STANSFELD: It is intended, Sir, that such property shall be rendered liable to all local rates.

## ARMY ORGANIZATION—DEPOT CENTRES—OXFORD.—QUESTION.

MR. AUBERON HERBERT asked the Secretary of State for War, If it is intended, in the event of Oxford being selected as a Depot Centre, to station there at any future time a battalion of Regular troops in addition to the Depot Battalion?

MR. CARDWELL: It is not intended, Sir, to station a battalion of Regular troops at Oxford in addition to the Depot Battalion. It is not intended to make in the neighbourhood of Oxford any greater provision in the way of building than for the limited number of officers and men stated in Appendix H of the first Report of the Committee on Organization dated the 22nd of February, 1872. These it is proposed to place at Bullingdon, about two miles from Oxford.

## PARLIAMENT—ASCENSION DAY.

### QUESTION.

MR. GLADSTONE moved, "That Committees shall not sit on Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House." The right hon. Gentleman observed that the House would probably recollect that a Motion was made last year in his absence, under the impression that it had become a matter of course that such a Motion should be made. Although the Government did not expect either a discussion or a divi-

*Mr. Gladstone*

sion the Question was challenged, and on a division the Motion was negatived. There was some reference to the subject subsequently in that House, and he stated that it appeared to him that the question was one upon which it was desirable that the House should, upon a future occasion, decide. He therefore made this Motion in order to obtain the opinion of the House upon it. He was certainly under the impression that there had been a more uniform practice in respect to this matter than he found to have been actually the case. It appeared that the practice of the House had varied a good deal; but he did not find that upon any occasion, except that of last year, when the question was raised without the previous knowledge of hon. Members, that the House had actually refused its assent to a Motion restraining the Committees from sitting before 2 o'clock on Ascension Day, although in 1857 a proposal to suspend the Sitting during the whole of Ascension Day was withdrawn. On every occasion since 1856, at all events, when the Motion had been made it was carried, excepting that of last year, when it was urged, and with some force, that it would be a great hardship upon the parties connected with Committees to meet at 2 o'clock and then to adjourn at a quarter before 4 o'clock. Feeling that that objection was not without weight he now proposed that they should sit on until 6 o'clock, notwithstanding the sitting of the House. He did not urge the Motion with whatever authority belonged to a Government; but he moved it in deference to precedents substantially uninterrupted of recent years, and because, with the addition made to it, it was a becoming and proper one. Of course, he found no fault with persons who entertained a contrary opinion.

Motion made, and Question proposed,

"That Committees shall not sit on Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House."—*(Mr. Gladstone.)*

MR. BOUVERIE said, that last year when the Motion was made he gave Notice that on the following year he should resist such a Motion. Those who thought with him at that time believed they had then a favourable opportunity for expressing their opinions against the

Motion, and accordingly they pressed for a division. The result was that the Motion was negatived. In accordance with the Notice which he then gave, he rose now to express his opposition to the Motion. There was no unbroken chain of precedent for it; in fact, the Motion was a modern one, and he ventured to say that it was a practice which ought not to commend itself to the good sense of the House. It was highly inconvenient to all those who were engaged on Committees. The right hon. Gentleman attempted to meet the objection which he had made last year by now proposing that the Committees should sit until 6 o'clock. He thought that proposal was unfair to those hon. Gentlemen who sat on Committees, and who might be desirous of attending to the Business of the House at a quarter-past 4 o'clock. It appeared to him, with all due deference to those who thought otherwise, that the religious idea connected with this Motion was not a sound one. If Ascension Day were observed by a large proportion of Her Majesty's subjects as a sacred one—like Christmas Day or Good Friday—the sense of the House would no doubt respect that feeling, and would be strongly in favour of such a Motion. He, however, believed that no such feeling pervaded the minds of the bulk of the Members of that House—certainly not amongst the Scotch, nor, he believed, amongst the Irish Members. What could be more absurd than that they should have half of a sacred day—that they should be forbidden to sit before 2 o'clock, and should then be allowed to return to their ordinary work. The fact was, that if some few Members did want to go to Church on Ascension Day, and represented such to be their feeling to their Colleagues on Committees, no doubt every consideration would be paid them; and such Committees would be adjourned over until 2 o'clock on that day. His right hon. Friend to be consistent ought not merely to say that the Committees should not meet until 2 o'clock on Ascension Day, but that they should go to Church on that day with Lord Charles Russell bearing his Mace marching before them. He hoped the House would agree with him that this practice should not be continued, and that every Member should be allowed to act according to the dictates of his own conscience.

Mr. GREGORY pointed out the in-

convenience which would arise from the Committees sitting beyond 4 o'clock, after the House was made. Some Gentlemen who might be interested in the Business before the House would be unable to attend until 6 o'clock, when it would, perhaps, be too late.

Question put.

The House divided:—Ayes 181; Noes 80: Majority 101.

#### RAILWAY ACCIDENTS—RESOLUTION.

SIR HENRY SELWIN-IBBETSON, in rising to call the attention of the House to the loss of life on railroads, the numerous collisions, most of them arising from causes which might have been prevented, that have occurred during the last eighteen months, and to the greater amount of safety the public would derive from a more general adoption of the absolute block system, the system of interlocking signals and points, and the use of a larger proportion of break power on trains on the principal lines of railway throughout the country; and to move a Resolution thereon, said: Sir,—As very naturally great interest is taken by the public in the question of safety in railway travelling, I have the less hesitation in endeavouring to submit to the House some of the reasons by which I hope to be able to show not only that we do not at this moment enjoy that amount of security in railway travelling that we ought, but that means do exist which if put in action would have the effect of very considerably increasing its safety. I propose also to try to show that the time has come when the Government may properly step in and interpose between the Railway Companies and the travelling public in this matter. I am well aware that it will be said that the present is not an opportune time for bringing forward the question, because, in the first place, the Government have already, by their Railway and Canal Traffic Bill, attempted to deal with this subject during the present Session; and also because the discussion which took place in 1871, and which I myself raised in this House, showed that in the opinion of this House it ought not to touch this question of interfering with the management of railway travelling. Further, that the Report of the Committee which sat in

another place this year, goes to confirm that conclusion. I cannot help thinking, however, that in both these instances that would be a wrong conclusion to come to. For if we look at the Report of the Committee which sat in another place this year, with regard to this particular question, we shall see that every line of that Report bears out their feeling in favour of providing additional securities for the travelling public; and the only reason why the Committee did not recommend their adoption I believe may be summed up in this—that what was submitted to them was “a hard-and-fast line” which they did not like to take upon themselves the responsibility of recommending should be enforced indiscriminately; whereas, if such a proposal as I now venture to submit to the House, leaving a discretion in the authorities, had been substituted for an absolutely fixed line, their opinion would have been altogether different. I may also be met by another argument. It is often said that it is impossible to interfere with such a vast concern as the Railway Companies of this country. But in answer to that I would point to the fact that the Government have shown by their Bill this year that they are not unprepared to deal with the question. In that Bill they deal with the question of the convenience of the travelling public, and I think they are hardly justified in saying that they cannot interfere with that which concerns the public security from accidents and the safety of life in railway travelling. Now, Sir, I am well acquainted with the old argument which we have always had to meet on these occasions, that if you take into account the number of persons who are carried by the railways and compare with it the number of accidents that arise you have no case. We are always told, and with truth, that the proportion of deaths and injuries to the number of persons conveyed by railway is really almost infinitesimal. But what I say is not that these accidents are in a large proportion to the travelling population of the country; but that among those accidents there are a large and serious number which come under the term preventable accidents, and if it can be shown that these may be prevented by the adoption of a proper system of management, they ought not to be called accidents at all. I maintain that, if only one preventable accident happened in a year, it would be

a justification for saying that the railway system is not doing its duty, and I should like to lay before the House some facts which I think must convince them that the security of railway travelling is not cared for to the extent that it ought to be. [The hon. Baronet then proceeded to give a minute analysis of the Returns of the Board of Trade relating to railway accidents—of which a summary only can be here given.] It appears that the total number of train accidents (including collisions) were in 1870, accidents 122; collisions 83: 1871, accidents 159; collisions 93: 1872, accidents 221; collisions 161. These were all investigated by the Inspectors of the Board of Trade. The total casualties from railway accidents in 1870, were 286 killed; 1,261 injured: in 1871, 404 killed; 1,239 injured. Of these, sufferers from causes beyond their own control, in 1870, 91 killed; 1,202 injured: 1871, 30 killed; 993 injured. Casualties arising from collisions—in 1870, 51 killed; 1,052 injured: in 1871, 12 killed; 845 injured. Of passengers and railway servants killed from their own carelessness or other than causes beyond their own control, there were in 1870, passengers killed, 24; injured, 10; servants killed, 90; injured, 11; and in 1871 the proportions were about the same. If then, we turn to the valuable Reports which are made to us yearly by the Board of Trade Inspectors, and read the remarks which they make upon individual accidents into which they have inquired and the deductions they draw from them, we may see that in the year 1870, 60 accidents were reported to have occurred from want of adopting the interlocking system, the adoption of which the Inspectors had constantly recommended, 43 were from want of the block system, and 10 from insufficient break power. Here then we have the statement of these gentlemen that had their recommendations been adopted, these accidents in all human probability would not have happened. In 1871, 53 accidents are reported from want of interlocking, 32 from want of the block system, and 6 from insufficiency of break power. And last year 42 are reported from want of interlocking, not less than 55 from want of the block system, and 13 from insufficient break power. It is a curious fact that, with the exception of 11 lines, there is not a line in this country on which one or more

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accidents have not taken place, and it appears that in 1870 and 1871 there were 11 lines on which no accident happened. Taking the six northern lines on which accidents had happened—namely, the London and North Western, with 1,507 miles of railway; North Eastern, 1,281 miles; Lancashire and Yorkshire, 428 miles; Midland, 972 miles; Great Western, 1,387 miles; Great Northern, 633 miles; total, 6,208 miles—on which accidents had happened, there were, in 1870, train accidents, 76; collisions, 62; 1871, train accidents, 95; collisions, 58; 1872, train accidents, 141; collisions, 95. I have taken these six lines of railway, because they are represented in the Reports of the Inspectors as lines which, for some years continuously, had the most of these accidents, and on which the interlocking and block systems had not been generally adopted. If the House will bear with me, I should like, on the other hand, to compare with these lines five other lines on which the system strongly recommended by the Inspectors—namely, the block system—has been largely, and, in some instances, generally applied—namely, the South Western, 579 miles; London and Brighton, 376 miles; South Eastern, 327 miles; London, Chatham and Dover, 139 miles; North Staffordshire, 182 miles—total, 1,603 miles—there had happened in 1870, train accidents, 6; collisions, 3; 1871, train accidents, 6; collisions, 3; 1872, train accidents, 18; collisions, 10. The Returns further showed the bearing of the gradual introduction of the block system in the former lines in the question of accidents, for in 1870, with 6,118 miles, the block system being applied to 617 miles, the collisions were 62; in 1871, when the block system was applied to 1,484 miles, the collisions were 53. On the five lines on which the block system was largely adopted, with 1,603 miles, of which 1,219 were under the block system and only 384 not, there were only 3 collisions. Now, he could not but think, that if they had nothing better than these Returns of the Inspectors, they would have very strong evidence indeed in favour of the comparative security of working under the block system. For one moment I should like to refer to the Reports for 1870 and 1871 of Captain Tyler, one of the most valuable of the staff Inspectors of the Board of Trade, and give the House the summing up of

his "chapter of accidents," so to speak, for these two years. In 1870 I find him saying—

"Without taking a theoretical or too sanguine a view, it may be asserted that, making full allowance for human fallibility and frailty, and for certain unexpected contingencies during every year, the number of train accidents might thus be reduced from 122, at which they stand for the past year, to a very much smaller number, and even to a fraction of that number, and a proportionate or even greater reduction might be made in the numbers of passengers killed and injured from causes beyond their control."

Then in his Report for 1871, I find him saying—

"Not one of these 159 investigated train accidents can properly be classed as purely accidental. They were all of a nature to be avoided by care, forethought, or the adoption of proper means and appliances. It will never, of course, be possible altogether to prevent mistakes or even negligence on the part of *employés*, but the number of accidents arising from such mistakes or negligence may be materially reduced by improved means and appliances and better discipline. It is the nature of railway work that it must be done in one way or other. If it cannot be done with strict adherence to regulations, the regulations fall into disuse. If means and appliances for safe modes of working do not exist, it is carried on without them, and it is frequently so carried on for a length of time before the want of further and better appliances is publicly demonstrated by the occurrence of an accident. For every defect which is thus brought to light there are always many others which remain unnoticed or uncorrected, and the accidents above enumerated under different heads point unmistakably not only to the remedies directly required to prevent their recurrence, but further to greater numbers of remedies which should be adopted for the prevention of other accidents."

Then the Inspector goes on to say—and this is important for the House to consider—

"I need not go on this occasion, as I did last year, into further details. It will be sufficient to add that by far the greater number of accidents that occur may be prevented by the adoption of well-known means of safety, and that the most important, most powerful, and most wealthy companies are just those which have too much neglected the application of such means, and frequently in those parts of their districts in which, for the heaviest traffic, they were most needed."

This Report, is backed up by the statements of nearly everyone of the Inspectors of Railways in their several Reports, bearing the most absolute and conclusive testimony to the superiority of the "absolute" over the "permissive" block system. Then with regard to the other point, the necessity of interlocking signals and points, we have the recommendation of Captain Tyler on that terrible accident at Kirtle-

bridge, on the Caledonian Railway, in which 11 were killed and 15 injured, during last summer. He sums up his Report on the accident by saying—

“The true moral of the present accident may be expressed in a few words: Station-masters, signal-men, and porters must be expected, in the course of their various duties and their rough work, to make mistakes of this description. A simple means exists of rendering such mistakes impossible or harmless. It is to be hoped that this lamentable lesson will produce its effect throughout the country, in causing this simple means—of interlocking points and signals—to be more speedily applied over the different systems of railways.”

We have him also, in his Report, making this statement—

“That of the worst accidents which would have been prevented by interlocking, one was in 1867, one in 1868, three in 1869, 12 in 1870, eight in 1871, and one in 1872, and that these resulted in the death of 18 and injury to 403 persons.”

I shall be told, perhaps, that I am looking too much to the evidence that comes before us in these annual Reports of the Inspectors, and that if closely tested they hardly represent what is the real state of things. But the evidence in these Reports is not all. If we look into the Report of the Committee of the House of Lords we shall find the evidence of Inspectors and Managers of Railways also. We have the same Inspector, Colonel Yolland, giving his testimony in favour of the block system. In answer to the question whether he approved of that system he said—

“I hold that unless you have the traffic worked wholly and solely by one engine in steam, the train, staff and ticket system, coupled with the absolute block system is the proper way of working all single lines, and I do not think that any double lines whatever ought to be opened for traffic unless that traffic be worked on the absolute block system. It is not a new thing. It has been long in operation. It is perfectly well known; and what is more it is known by railway superintendents and officers to be the safest mode of working traffic.”

The next question he is asked is, “You do not think that Railway Companies will adopt it themselves if they are left alone?” And he answers, “I do not think they will.” He is asked further—

“From your experience can you say that where the block system has been in force it has contributed to the safety of the lines?”

To which he replies—

“There cannot be a doubt upon the subject; at least I do not think that it admits of a doubt. I do not mean to say that collisions will not occur where the block system is in existence, because human nature is fallible, and men will

make mistakes under the block system as under any other system, but there can be no question about the increased safety as regards the prevention of collisions between following trains, or a train running into something that is standing on the line.”

Captain Tyler also being examined before the Committee, gave conclusive evidence with regard to the interlocking and block system. [The hon. Baronet here read at large, evidence given before the Committee by the managers and traffic officers of nearly all the great lines of railway and by eminent railway engineers, all decisively advocating the interlocking and absolute block system.] I know it may be said that where you have the managers of railways expressing a decided opinion in favour of these improvements for the security of the travelling public you may leave it to the Boards of Directors and the managers who advise them to carry them into effect; and I am prepared to admit that if all railways were conducted with the spirit that some of them are I should be the last person to wish to interfere. But what I say is this—That while such lines as the Midland and Great Northern, and lines of that kind are doing their best to meet requirements which are proved to be essential, and are bringing their main lines as fast as possible under the block system, there are other lines on which the old prejudice against it exists as strong as ever, although the traffic is increasing at a rate which renders it absolutely necessary that these safeguards should be adopted. What I urge upon the Government, therefore, is that in the case of lines of that description, which are hesitating and slow in bringing these improvements to bear upon the working of their traffic, I should like to see powers taken under which the Government would be able to place them in a position similar to that of other lines. And if no other result ensues than the mere discussion of the question in this House, I believe that a great deal of good will have been done. I remember, in 1871, when the discussion upon it took place, one or two directors of railways came to me after that discussion and stated the very discussion had had the effect of strengthening the hands of men who, on Boards of management, had been constantly urging the adoption of this system. They had been urging it, but had been over-ruled by considerations of expense; but that the mere fact of the

public attention having been drawn to the subject of safety in railway travelling in this House had produced an effect on many lines in England, which was to be seen in the increasing application of the system to the working of their traffic. It is not always however that, with all the desire expressed by the directors and managers of railways to come up to the requirements of the age that they have done so. Captain Tyler, in his Report on the Nuneaton accident, indicates clearly that the directors of certain railways are not always working in the direction we could wish, and quotes the remarks which were made by the Chairman of the Company at the last half-yearly meeting of the shareholders—

“He believed that the Board of Trade were as responsible for railway accidents as the Companies were. It was a divided management, with all the responsibility on one side only. The Board of Trade insisted on signals and other works which involved a large expenditure on the Companies.”

And the story of this accident is a suitable commentary upon these observations. Is the Board of Trade responsible, on the one hand, for an accident occurring from the want of apparatus which it constantly recommends the Company to adopt? Is not the Board of Trade justified, on the other hand, in insisting, as far as it has the power to do so, on the application of appliances necessary for safety, even though they involve a large expenditure on the Companies? Then they had the evidence of Mr. Allport, the Manager of the Midland Company, before a Committee of the House of Commons in 1870, when he said, in answer to a question—

“A good many questions have been put upon the subject of the interlocking of signals and points. For a long time I dissented, and up to the present moment I entirely dissent from the views of the inspecting officers, and we resisted the interlocking of signals and points; but the Board of Trade refused to allow us to open a line until we had done it. Of course the inspecting officer's duty is to consider the safety of the public. . . . I have not a word to say against the Board of Trade taking that position, but practically it forces itself upon the Company, however opposed they may be to its introduction.”

Now, if any deduction is to be drawn from this, it is that the railway manager himself was opposed to the system, though he admits that the Board of Trade forced it upon his Company. The

objection to it is on the ground of the expense which it entails on the Companies. But we have even stronger evidence than that, which the right hon. Gentleman the President of the Board of Trade will recollect as having been furnished in the course of last summer. I own I was surprised when I read the report of a meeting of the London and North Western Company, which was held at the Euston Station, and at which the chair was filled by a Mr. Bancroft, in the absence of Mr. Moon. On that occasion Mr. Bancroft stated that while he claimed for the regular and ordinary services of the London and North Western Railway the praises which we may allow to be fairly its due, he charged the Government with having listened, in spite of this experience, to “a lot of clamorous individuals who are not disinterested,” and with accepting support “from an ignorant public who do not understand anything about the matter.” Now, I venture to think, Mr. Bancroft notwithstanding, that the public do understand the question of safety in railway travelling at any rate, and feel that, where directors show an evident disregard of it, some greater power should be taken with the view of providing for the public safety. But we have yet a stronger assertion than this of Mr. Bancroft's; for we have Sir Edward Watkin at the annual meeting of the South Eastern Railway Company last summer saying this—

“I know that my friend Mr. Eborall occasionally seems to wince under a certain inflection. We occasionally get insulting strictures from the officers of the Board of Trade that, I assure you, are occasionally almost beyond endurance. What are these gentlemen, these military engineers, who never earned a shilling in their lives by commercial enterprise, and have no notion of working a staff of ten thousand men without military discipline; who are they who teach eminent managers of a railway, like my friend Mr. Eborall, how they ought to conduct their business? I think the interference, the insolent interference, of these individuals is becoming almost too much for practical men to bear.”

That is a speech which comes from a railroad director, and I think it is hardly in accordance with the courtesy which ought to be shown to the officers of the Board of Trade, or with a regard for the safety of the public who travel by the railways; and when an explanation of his language was asked for by the President of the Board of Trade, I must say that Sir Edward Watkin's answer asto-



nished me even more than his accusation; for, after having stated that he was perfectly willing to quote publicly from Reports of Inspecting Officers in justification of his meaning, he answered the right hon. Gentleman that he "declined to report against any particular officer or any particular Report." The truth is that he was unable to justify his statements or establish his accusation against the Inspectors of the Board of Trade. But, after all, the real practical objection of the Railway Companies is that of the expense. Well, I should like to place before the House what this question of expense really means. Now a Return has been made to us of the Compensation for Accidents which the Railway Companies have had to pay during the last few years, and I find that the total amount of that Return for personal injury to passengers and damage to goods in five years is £2,348,568. But I should point out that this sum, large as it is, does not represent the total amount of the actual loss which has to be borne by the companies in consequence of these accidents. This Return refers simply to the question of compensation for injury to passengers and damage to goods, and if we took into account the loss arising from the damage to rolling stock through accidents of this kind, the total would be an infinitely larger sum, though being mixed up with the other damage to material it is impossible to work it out. If we take the principal lines that have had the most accidents we shall find that the London and North Western, the North Eastern, the Lancashire and Yorkshire, the Midland, the Great Western, and the Great Northern, had to pay among them, in 1870, a total compensation for damage to persons and goods amounting to £297,879, and in 1871, £312,512; while five other lines, the South Western, Brighton, South Eastern, London Chatham and Dover, and North Staffordshire, had to pay £56,217 in 1870, and only £22,720 in 1871. Thus the unblocked lines had to pay in 1871 £312,512, as against the blocked lines, which paid £22,720. With regard to the expense of establishing the block system, the evidence of managers themselves proves that the expense is not so very serious in reality. We have Mr. Allport, of the Midland Railway, appearing before the Committee and giving them the results of his experience with

regard to the expense, and I find that, after deducting from the 972 miles of that railway the 422 which are already under the block system, his calculation would come to £66,000 for the first establishment of that system on the remainder of the line, with an additional sum of £55,550 annually for maintenance. Now the interest on £66,000 at 5 per cent would be £3,300, and this added to the £55,550 for the maintenance annually would make a total of £58,850; but as the compensation for accidents in 1871 amounted to £46,670 the balance against the company in that year would only have been £12,180. But Mr. Johnson, the engineer of the Great Northern, makes the cost less. He puts the total at £74,000, of which £30,000 is already done, leaving for present outlay £44,000, while he puts maintenance at £28 per mile, which on 633 miles on that railway would give £17,724 for maintenance annually. Now in this case the compensation paid in 1871 amounted to £24,190; 5 per cent on £44,000, the cost of establishing the block system, comes to £2,200 and this added to £17,724 for annual maintenance would make the annual charge £19,924 as against the £24,190 of compensation in 1871. Consequently the cost would have been below the compensation paid in that year, and the company would have been gainers to that extent.

But there is another point to which I attach more or almost more importance than to any of those on which I have dwelt. I refer to the application of a sufficient proportion of break power to trains as a means of avoiding or preventing accidents. In this respect I maintain that our railways are far behind those of foreign countries. We have no code which prescribes or in any way lays down rules as to the proportion of break power which is to be employed in conducting railway traffic in this country. We find instances in which a luggage train runs into a passenger train with one guard van only attached to it; and we have evidence without end in these Reports of the Inspectors of the Board of Trade on railway accidents, of the momentum of a train going at the rate of 40 miles an hour not being stopped in less than 550 yards after the danger had been discovered, while on the foreign lines, where greater break power is used,

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200 and 220 yards is the maximum distance required for stopping a train. Go to the guards and engine drivers in England who have been concerned in these accidents, and they will tell you that they were unable to reduce the speed in a less distance than I have stated. I have taken a little trouble to ascertain what are the rules or regulations on this point upon foreign railways. I am not referring to or advocating the use of any particular system of break power; but I cannot help mentioning one that has been put in operation on the Bavarian lines, as to which, its power of stopping a train, and the safety derived from its use, the evidence is to my mind almost overwhelming. I have here not only the Report of the officials of the Bavarian Government who examined into the merits of this break power, but a copy of the ministerial order adopting the "Heberlein Break" on the Bavarian States railways, and I find that it was applied in the first instance to what is called the Royal train the other day. But foreign railways go further than this; and I find that all the German railways have regulations for the application of break power in proportion to the gradients on different portions of their lines. I have here a copy of the rules respecting the building and traffic arrangements of railways as agreed upon by the association of managers and directors of the German railways. That is an association which comprises 99 railways, with a central office in Berlin; and it includes not only the Prussian but the Austrian and Netherlands railways. The system it has adopted is this—

"There must be in every train, besides the engine and tender breaks, so many powerful working break-mechanisms provided and attended, that with falling gradients of any considerable length on the line the proportion of axles here given shall be acted upon by breaks."

These are the proportions laid down: With passenger trains on a gradient of 1 in 500 proportion of axles to be acted upon one-eighth; 1 in 300 one-sixth; 1 in 200 one-fifth; 1 in 100 one-fourth; 1 in 80 one-third; and 1 in 40 one-half. Therefore, taking a train of 18 six-wheel carriages, such as forms an ordinary mail or express train on the London and North Western Railway, this would necessitate on a line with gradients of 1 in 100, four break carriages, while a

goods train of 50 four-wheel waggons would have seven break waggons. Now, that system is universally practised throughout the railroads of Germany; and I have here also a list of the railways in France, on which they adopt a very similar proportion. On the Great Luxembourg Railway the rules are that no passenger train may be composed of more than 30 four-wheeled vehicles, and that the minimum number of breaks for each train shall be in the case of passenger trains composed of from one to eight vehicles, two breaks, one in front and the other in rear; trains composed of 9 to 16 vehicles three breaks, one in front, one in the rear, and the third in the last quarter of the train; trains composed of 16 to 25 vehicles, five breaks, one in front, one in the rear, and the others at intervals of five carriages; and trains composed of 25 to 30 vehicles, six breaks, arranged as in the last mentioned case. There is another point in favour of the adoption of a universal system of this kind, and it ought not to be overlooked when we are engaged in considering this question. Here, as I have stated, you have an association of 99 railroads working under this system of rules; and there is this advantage attaching to it, and which would attach to the universal adoption in this country of similar rules for the application of break power—namely, that the servants of the Railway Companies having once been instructed in their duty, if they change their situations and go into the employment of another Railway Company, do so with a full knowledge of the work that they have to perform. On many railroads there is already a similarity of management which has proved of great advantage in this respect. I am afraid that I have been wearying the House by going into these particulars at such a length; but there are yet other points which enter largely into the question. For example, there is the question which has been so ably dealt with by my hon. Friend the senior Member for Derby (Mr. M. T. Bass), I mean the long hours which are enforced upon railway servants. I am aware that a great deal has been done to correct that evil, but Returns and Reports upon the subject show that it is not entirely remedied. We have it stated in several of the Reports of the Railway Inspectors of the Board of Trade during the past

year that from 13 to 15 hours' continuous work was no uncommon thing, and that when men are expected to continue on duty during such a number of hours it is not unlikely, even with the best mechanical appliances, that accidents will occur. There is another point which I should like the House to consider as well as this question of the safety of the travelling public, and that is the state of the law with regard to accidents to these servants. The proportion of accidents to them can hardly be estimated, because the Act of Parliament which was passed in 1871 did not come into operation until 1872, and enforced Returns for the months of November and December only in that year; but those Returns showed that 197 deaths in those two months and 167 injuries were to the servants of Railway Companies. Now, under the existing law, these persons have no right to compensation, and I maintain that, considering the danger which is attendant on the discharge of their duties by persons conducting the railway traffic, the State would be justified in altering the present law of master and servant in that particular, and making it possible to give compensation for accidents to railway servants. By taking that course I believe we should be doing much to bring about the adoption of those securities for railway travelling that I am now advocating, because it would have the effect of increasing the compensation now allowed, so frightfully, that directors throughout the country would be driven in their own interest to adopt those securities readily and freely. I confess, also, that I should like to see a greater amount of responsibility thrown upon directors. I think that it is a very grave question at this moment whether, when an accident takes place, the right man is always put in the dock. The engine-driver and the stoker probably are arrested and put on their trial, but it is proved that they were unable by the appliances at their command to prevent the accident. Now I cannot help thinking that so long as directors are allowed to shift the responsibility from their own shoulders to those of their servants we shall not see much improvement.

Now, Sir, I have endeavoured, though very imperfectly I know, to show that both the block and the interlocking systems are valuable appliances for the se-

curity of life in railway travelling. I have also endeavoured to show that a larger amount of break power is necessary, so that trains might be stopped within two or three hundred yards. I have also stated that I should like to see a greater and more direct responsibility thrown upon directors, and that the law should be altered with regard to accidents sustained by railway servants who occupy any position where there is risk, and that they should be protected by compensation for any injuries they incur while engaged in the service of the company. If the precautions I have suggested were generally adopted, they would tend, I believe, to rectify another great complaint which the public make, and that is railway unpunctuality. I admit that the Board of Trade have done much in interfering with this great monopoly by their Bill of this year, but I would wish to urge upon them that still more remains for them to do, and that the safety of life in travelling on our railways is quite as important a branch of railway policy as the arrangement of fares and the convenience of the travelling public in that respect. I would also point out to the right hon. Gentleman the President of the Board of Trade that what I ask is not a hard and fast line for the application of the block and interlocking systems throughout the country, but that powers should be taken by his Department to enforce that system whenever it is found to be necessary, and that the responsibility of not putting it into operation should be thrown upon the Boards of Directors after it has been ordered to be done. The Board of Trade have already, in one particular instance, shown that they have power to interfere with railway management; for, when a new line has to be opened, they will not sanction it unless it has all its points and signals interlocked; and if the Board of Trade and their officers believe that on new lines this is so necessary that they will not sanction their opening without, surely they must see the necessity of providing such securities on the existing lines. I should be the last person, however, to make a proposal for throwing additional responsibility upon the Government officials; but, by adopting the Resolution I now submit to the House, the Government would not assume any more responsibility than

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they now have in the case of newly-opened lines. All my Resolution points to is the application of the block system, the provision of the security which is supplied by means of interlocking points and signals, and the employment of a greater proportion of break power.

In conclusion, I will only say a word or two with regard to the Amendment of which Notice has been given by the hon. Member for Kidderminster (Mr. Lea). He asks me to change my Resolution into a proposal for the purchase of railways by the State; and I confess that, if the system of constant accident is to continue, I should be as strong an advocate of the proposition as the hon. Member himself; but it is because I see enormous difficulties in the way of carrying it out—difficulties of a financial character, and difficulties connected with the working of the system—that I would urge upon the Board of Trade the duty of providing for the public safety without attempting such a gigantic operation. I thank the House very much for the patience with which it has heard me, and I beg to move the Resolution of which I have given Notice.

MR. SERJEANT SHERLOCK, in seconding the Resolution, said, the question raised was one of immense importance, as might be seen by the fact that on the 31st of December, 1871, there were, in round numbers, 15,400 miles of railway open in this country, and the number of travellers, including season-ticket holders and others, was 400,000,000. It might, no doubt be said that considering the enormous number of travellers, there were very few accidents; but, on the other hand, an examination of the official Returns showed that the great majority of these accidents might be avoided by proper precautions. In August, 1872, Captain Tyler, one of the Government Inspectors, reported that, in 1871, 171 accidents had been officially investigated, of which 93 arose from collisions, a great number of which might have been avoided by the use of the block and interlocking system. That system had been adopted on certain lines, had been partly adopted on some lines, and was strenuously opposed on other lines; and if the Board of Trade—believing it to be a good and necessary system—had not the power of enforcing its adoption, Parliament ought to supply the deficiency. Another class of accident

arose from defective axles, or tires of wheels, or from defects in the permanent way or rolling stock. Within the last week they had a serious accident at Shrewsbury, and the evidence which was taken at the coroner's inquest showed that the sleepers were to a great extent rotten—an unpardonable defect. There should be not only an inquiry after railway accidents, but the means of enforcing the recommendations of officers who were intrusted with the duty of inquiring. As to the railway servants, the state of the law was disgraceful, and nothing but the prejudice of lawyers could have so long prevented these persons from obtaining compensation if they suffered injury. He had been furnished with a statement—the accuracy of which could be verified—to the effect that within a radius of 20 miles from Manchester no fewer than 60 children had been left orphans since the 1st of January last through their fathers having been killed while in the discharge of their duty as railway servants; and that in nearly every case the companies had refused assistance. In the present state of the law neither the widows nor the children of Railway Companies' servants could enforce any claim for compensation, and he asked the House whether that was a state of the law which in common justice ought not to be amended? A stronger evidence of neglect could not be presented than the fact that Railway Companies should be experimenting up to the last moment. Last week, when the train which was to convey the Queen to Scotland was proceeding from Euston to Paddington, an experiment was tried on that occasion with Clark's brake, and it was found that the train could be stopped in 30 seconds. He submitted that that was not the time for an experiment, and the only legitimate explanation of the statement in the newspapers in reference to it was to suppose that it had been done for an advertisement. A considerable proportion of the accidents occurring on railways arose from the ignorance of railway servants. Captain Tyler, in his Report for 1872, mentioned one instance in which passengers were injured owing to the fact that the guard in charge of the train was not aware of the nature and amount of the break power at his disposal, and many such cases could be referred to. In his opinion, the respon-

sibility of railway directors was the only mode through which security for the public could be obtained. The officers of the Board of Trade stated that accidents occurring to the servants of Railway Companies were very seldom reported. The penalty of £20 imposed by the Act of 1871 for omission to report such accidents was altogether insufficient to secure the performance of that duty, and it ought therefore, to be increased. It would, too, be found that many accidents were occasioned by the fact that neglect on the part of railway officials was overlooked until they became indifferent to its consequences. He submitted that until the law, in cases of negligence punished not merely the servants who were immediately guilty, but those who were in authority and who had condoned previous acts of negligence, they would not have sufficient security for the travelling public. Without entering into the larger subject suggested by the Amendment to the Motion of the hon. Baronet, he could not help thinking that the management of any line of railway, the permanent way of which was out of order, or the rolling stock defective, should be taken by the State out of the hands of the Company which mismanaged it. He begged to second the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, the time is come when the Government should take powers to enforce the adoption, where necessary, on Railway Companies, of additional securities for the safety of the public."—(*Sir Henry Selwin-Ibbetson.*)

MR. LEA, in rising to move, as an Amendment, to leave out after "when," and insert—"the railways of the United Kingdom should become the property, and be under the control and management of the State," said: Sir, I should have preferred to have brought this forward as a simple substantive Motion, but the difficulty of obtaining a day, and the opportunity that was afforded by the hon. Baronet, who has distinctly raised the question in his proposal to the House, have made me choose the present occasion. The hon. Baronet desires to control further, by powers I presume to be conferred on the Board of Trade, the working of railways. Now this is a course with which I am not inclined to concur, and I will

refer in a few minutes to the reasons which I think we should consider before we further interfere with the working and management of railways, when by so doing we take away the responsibility from the present managers. It may be thought that this Amendment is not necessary, after the debate upon the Motion of the noble Lord the Member for Tyrone (Lord Claud Hamilton), for the purchase of the Irish railways; but I would respectfully submit to the House that the case of the English railways rests on very different ground from that of the Irish, and it seems all the more important to me, that if we are to take any steps as suggested by the Prime Minister for the assistance of the Irish Railway Companies to render them more akin to our English railways, we ought most carefully to consider whether our own system is one that we should foster and encourage in the other parts of the United Kingdom. For this reason I believe a clear understanding of the policy to be pursued towards our English railways is most necessary at the present time. The Amendment I have to move is one, I admit, which affects interests of the greatest magnitude; but it appears to me that in this case the magnitude has been mistaken for difficulties, and that it will be found that the possibility of making this great change is much easier than at first appears when we simply look at the size of the question. And I would also say that I have not undertaken this from any antagonism to Railway Companies, for I acknowledge with gratitude the immense benefit they have been to the country in the past; and although railways have been most extravagantly and wastefully made, yet we perhaps owe to the pluck and skill of the first promoters of railways a greater extension of the system than we probably should have had, if any other method had been adopted for their introduction. Neither is it my intention to refer to the working of any particular railways, but it is evident that the immense difference that has prevailed in their management and consequent convenience to the public arising therefrom, would help to prove that by unity of management all railways might be brought up to one, and that one the most efficient standard. Nor is it sufficient to say our railways are worked safely and well, and up to the working of those

*Mr. Serjeant Sherlock*

of other countries; the question is, if they are as well managed as they might be, and if, under the present system, they are at all likely to approach such a much improved and economical standard as I think they should be brought to. I also wish to avoid the details of working of the present Railway Companies, unless I am forced for the sake of example; but I bring forward this Amendment solely upon the general principles that the present method of railway construction and working does not conduce to economy, safety, or convenience; though the chief objection I have lies in the fact—and it is a fact—that, whether we are now disposed to admit it or not, we are rapidly coming by amalgamation under the sanction of Parliament, or by combinations and working agreements without that sanction, to a complete monopoly, by which the whole traffic of the country shall be at the mercy of a few private companies, instead of its being, as I think it ought to be, in the hands of persons responsible wholly to the nation, and that the means of locomotion should be used solely for the benefit of the people. This is the conclusion I draw from the evidence, and the facts that are before this House; and which have been elicited through various Committees and Commissions for several years past, but more especially by the evidence and Report of the Select Joint Committee of last year. Now, Sir, I dislike as much as any man interfering with private enterprise, but we are already doing it in what seems to me the worst possible way; we are interfering and attempting to control the working of railways without undertaking the responsibility. We have done it to some extent already this Session, by passing the Railway and Canal Traffic Bill. I admit that under the present system some such action as that contained in that Bill may be worth trying; but I must confess I do not expect very much good will arise from it to the public, though it may be of benefit to Railway Companies in facilitating working arrangements among themselves. However, this Bill may probably be productive of some trifling use in the carriage of goods; but the hon. Baronet (Sir Henry Selwin-Ibbetson) proposes to tread on much more dangerous ground—to enforce rules and regulations upon Railway Companies by law that will either be only a ridiculous and imprac-

ticable course of legislation, and which will lie as dead as so many Acts of Parliament have already done, or else it will be the commencement of a plan of a divided management that will undoubtedly have the effect of separating control from responsibility. Nothing seems so dangerous to my mind as this, and I feel sure that few things would be more unsatisfactory to the British public than that of being unable, after some unfortunate accident, to decide if the fault lay in the control of the Board of Trade or in the management of the Company; and it would seem to me most unfair to Railway Companies to mulct them in heavy damage for compensation, when you force upon them your own rules for the management of their lines. But I should like to quote the opinion of one or two gentlemen upon this point, which corroborates what I have said upon the subject, and I only quote them as examples of the opinions of a great many others; and doubtless the right hon. Gentleman at the head of the Board of Trade will repeat such an opinion this evening. Upon the second reading of the Railway Companies' Bill in 1871—a Bill brought in by the right hon. Gentleman—the President of the Board of Trade, said—

“It was essential that the power should remain with the managing body of these great enterprises, and interference by a Government Department in the manner provided by the Bill would have the effect of separating responsibility from power.”—[3 *Hansard*, ccv. 27.]

And then before a Committee of this House, Mr. S. Laing said—

“If the Board of Trade can see their way to take the responsibility of what shall be done, and therefore assume the responsibility for the safety of the public on railways, I, as a director, should not object. . . . I should be very glad indeed if the Board of Trade would pronounce authoritative decision, I should feel I was free from responsibility if I obeyed.”

Before the Select Committee of last year, Mr. Cawkwell, the manager of the London and North Western, was asked by the Marquess of Salisbury if he could be responsible for human life, if anyone but themselves arranged the time table, and he answered distinctly “No.” I do not wish to give further quotations; but anyone who has studied the evidence given before the Select Committee of last year, will be able to see how much it tends against this sort of interference without responsibility, that, as Captain Tyler says—

"Dual management would be destructive of efficiency, and would only tend to constant difficulty and dissatisfaction."

And this would make us consider how far the Railway Companies could be forced to allow interference in their working, and if we look at the power Railway Companies have always had in the past, and the power they now exercise, is it likely we shall be able to force upon them rules and regulations that can at all be called arbitrary or inquisitorial? I think not, and when we look at this power which they have always exercised, I cannot imagine we should be able to force upon them Board of Trade Regulations, even if such interference were desirable. And, also, how would this affect the plan of compensation for death and injury? If you force your rules for the working of railways upon the Companies, should you be able to enforce the £300,000 or £400,000 you now annually make the Companies pay for the death or the injuries of travellers? I imagine, in justice, we should certainly have to give up this claim upon Railway Companies. And I would leave the idea of whether it is desirable to interfere with the internal arrangement of Railway Companies, and see how far such attempts to grapple with the difficulties have succeeded, and how far we have been able to control Railway Companies with legislative interference by this House. I do not want to drag the House through all the Committees and Commissions that have attempted to manage Railway Companies, nor to discuss all the Bills that have been before this House with similar intentions; but I must mention a few of more recent times, because it is partly owing to our experience of the past, that I have such little hope of any alteration in the future. The hon. Member having pointed out that the Acts obtained from 1801 to 1821 appeared to have been for a kind of tramway used for carrying goods and heavy merchandize, said that the series of Acts relating to steam power for drawing passenger trains commenced in 1823; and proceeded to trace the history and recommendations of the various Commissions and Committees appointed to consider the question which resulted in the Railway and Canal Traffic Bill of 1854; and the Commission of 1865-7, and then proceeded. And now, Sir, I must call attention to the proceedings of the Select

Joint Committee of last year, and it is from the Report and proceedings of that Committee that I am led to the conclusion that it is most important we should consider, and that thoroughly, the position we are getting into with our present railway system. It is universally admitted that this Committee was a most able one, that it took immense pains to arrive at a full consideration of our railway system; that it issued a most important Report; but that, appalled by the size of the question, it dared not face the only actual logical conclusion to arrive at, and hence the recommendations and results that are to be obtained will be utterly unworthy of the work and ability of that Committee. I will not detain the House by referring at any length to that Report, but I must make a short reference to its conclusions. It appears that after carefully hearing most important witnesses, and affording the public a vast amount of information, one conclusion they came to was that competition by sea existed and should be preserved. Well, I admit some competition by sea does exist, and if we only keep free ports such competition will exist, and without any necessity for the interference of Parliament at all. But what has this sea competition to do with the bulk of the passengers and goods traffic of this country? Then the Report refers to canal competition. I admit there is a small amount of this sort of competition, but it is miserably small, and though the Select Committee say it is advisable for us to keep this, I think it must be evident that by degrees the few canals which are not in the hands of Railway Companies, will, either by amalgamation, combination, or agreements, soon cease to be practically available for competition with railways, as they are now quite useless for all travelling purposes. Then the Report refers to some things which are impracticable, others that are undesirable, and goes on to recommend the establishment of the Commission, as has been done by this year's Railway and Canal Traffic Bill. I can only repeat what I said just now, that I believe when this Bill is found to contain so small a benefit to the public, and to accomplish so little for them, this Commission will probably share the same fate that befell that appointed in 1845. But if the recommendations that have been made by the members of last

*Mr. Lea*

year's Committee are miserably small, they have, at all events, ended by proving pretty clearly that they have comprehended the great difficulties of our present railway system. They conclude their Report with these ominous words—

"If the above recommendations are adopted by Parliament, they will not have the effect of preventing the growth of railway monopoly, or of securing that the public shall share, by a reduction of rates and fares, in any increased profits which the railway companies may make."

Whatever doubts we may thus have about the smallness of the Committee's recommendations, no one who looks at these words and the rest of their Report can come to any other conclusion but that they have apprehended, if they have not expressed, the future of railways. I have referred to some of the Committees and Commissions that have been sitting upon railway matters, and I would ask—What do they all mean; and what is the result? At first railways were only intended or expected to be a sort of improved high roads, free to anyone. That proved impossible; then for more than 30 years Parliament has believed that competition would be the means of controlling railways, as it does ordinary trade matters. This has also failed, for competition by sea and canal is not of any practical value as compared with railway traffic, and the competition among Railway Companies has ceased with the amalgamations, and combinations, and agreements which exist among Railway Companies. We have, unfortunately, found it so far from our own experience; but the Select Joint Committee have put the whole fact so plainly before us that I must trouble the House with one more quotation from their Report—

"1. That Committees and Commissions carefully chosen have for the last 30 years clung to one form of competition after another; that it has, nevertheless, become more and more evident that competition must fail to do for railways what it does for ordinary trade, and that no means have yet been devised by which competition can be permanently maintained.

"2. That in spite of the recommendations of these authorities, combination and amalgamation have proceeded at the instance of the companies without check, and almost without regulation. United systems now exist, constituting by their magnitude and by their exclusive possession of whole districts monopolies to which the earlier authorities would have been most strongly opposed. Nor is there any reason to suppose that the progress of combination has ceased, or that it will cease until Great Britain is divided between a small number of great companies. It is,

therefore, of the utmost importance that the actual facts should be clearly recognized, so that the public may become acquainted with the real alternatives which lie before them."

I do not imagine that anyone would dispute the rate at which amalgamations have been going on; but one thing is rather noticeable—that while in 1845 an Act was passed prohibiting all such amalgamation without a special Act of Parliament, the London and North-Western Railway Company has attained since then to its present size by no less than 61 amalgamations, thus showing how little power we have had, because, while the Reports of the Committees of 1844 and 1845 tend to discourage amalgamations, yet in 1846 there were actually nine amalgamations of the North-Western, and the year following there were seven more. This is the history from first to last, so that although Parliament has been very jealous of these amalgamations, they have proceeded so quickly that more than two-thirds of the Railway Companies have disappeared. Since, then, it cannot be disputed that these amalgamations must and will take place, it is well for us to look the fact fairly in the face; and I fully believe amalgamation has very much improved the accommodation given to the public, and if it could be safely relied upon should be aided rather than prevented, though I am bound to say I do not agree with the proposition of the Prime Minister, made during the discussion on the Purchase of the Irish Railways. He was inclined to offer inducement to the Irish railways to amalgamate by—after such amalgamation had taken place—advancing loans upon moderate rates of interest. Upon my view of the question, it seems as though by thus encouraging amalgamations we should simply be helping them to obtain a better bargain eventually from the State, and bring the Irish railways into the same state of difficulty that is now the case with our English railways. And since it is pretty clear that this system of amalgamation must and will go on, I would ask—what are our railways coming to in the future? And the answer is that before many years are gone the country will be mapped out into a few great districts, each district being in the hands of some monopolist Company, and the Railway Companies generally agreed not to invade or trespass upon each



other's district. And this is no distant state of things; there are plans put forward by which the number of Railway Companies shall be reduced to four, each having a district of its own; and while by this plan we shall have all the evils of a divided management, we shall have these few companies quite combined to defend themselves from any attacks by the public, and thus to all intents and purposes as strong and selfish as one single company. Are we prepared to allow the whole traffic and travelling of this country to be in the hands and at the mercy of a Board of private individuals responsible not to the public for the public good, but only to a body of shareholders for the largest possible dividend? And what else could we expect of directors elected by the shareholders of railways? When the Railway and Canal Traffic Bill was under discussion some weeks ago, the hon. Member for the West Riding of Yorkshire (Mr. Denison), who avowed himself a railway director, said plainly "His duty was to protect the rights and interests of a great body of shareholders." If the hon. Member in this House thinks that to be his duty, how could we expect him or any other director when at Board meetings to remember the rights and interests of the public? And what said the hon. Member for Rochester (Mr. Goldsmid) when he moved the Amendment to the Motion of the noble Lord (Lord Claud Hamilton) for the purchase of Irish railways? He said, that at one time the directors ate up all the earnings, but the shareholders stepped in and said "You shall do what is best for us." Well, Sir, where are the interests of the public, when the interests of the shareholders have to be considered? On this point a question strikes me at once. If the motive for good management of railways now is their self-interest, where are we likely to be now that dividends are reaching generally so high a percentage? The single motive for the good management of railways will be gone, and the shareholders, not investigating the accounts of their Company, will allow the directors to waste or job away any amount they please, to the benefit of neither public nor shareholders. I think it is pretty certain we may say that the interests of the public are only to a very limited extent the interests of the shareholders, for it is obvious that it is cheaper for a

Railway Company to carry one passenger for a sovereign rather than two passengers at the rate of ten shillings each. And if we have much communication with Railway Companies, we are bound to see that they know they have a monopoly, and that the public are entirely at their mercy. When the hon. Member for Orkney (Mr. Laing) moved for the remission of the Taxes on Locomotion, he said—

"Railway Companies were no lovers of strikes; but if they refused some day to convey third-class passengers from London to Scotland, in 24 hours except on account of this Government duty, no Government could withstand such a pressure as would be put upon them."—[3 *Hansard*, ccxv. 437.]

These words of the hon. Member I am not wishful to take as a threat, but the only inference I can draw from them is, that not only can they put the public to inconvenience, but that if the Railway Companies believe they have a grievance against the Government, it is in their power to act upon it through that public inconvenience, so that the Government of this country shall bow to their opinion, and lay their financial proposals at the feet of the Railway Companies. And then, a short time ago, another example of this railway rule was brought under my notice. The Railway Companies last autumn advanced their rates for the carriage of goods on some articles as much as twenty, thirty, or forty per cent. The manufacturers of one town, I am told, met and objected to such an advance, requesting an interview. What was the reply of the Railway Company? That they would be happy to meet the manufacturers, but they could hold out no hope of any abatement of the increased rate. And what could the manufacturers do? Why, they could only submit to the decree of the Railway Company, who have perfect arbitrary power to levy what they think is best for their own interests, without respect to the trade of the country; and if we want another instance, we have it at our very doors, for though it may have been to the interest of the Metropolitan District Railway to raise its fares on the first of this month, it cannot be said it was to the interest of the public. If, then, I look forward with great dread to the pretty certain system of arbitrary power that will exist in the hands of a body of private individuals, trading for

their own self-interest. I cannot omit to mention other reasons for objections to the present system of railway management and control. If we look at the way Acts of Parliament are obtained, we can only come to the conclusion that there is an immense waste of time and money in obtaining those Acts. And then, when they are obtained, look at the expense in maintaining the position and monopoly of a Railway Company. There are numbers of counsel and solicitors engaged, and numbers of witnesses for and against the Bill, some to prove that the line is wanted by the public nominally, but really generally that it is wanted by some rival Railway Company to obtain possession of the district of another Company. Hon. Members who have sat upon Railway Private Bill Committees know pretty well what a waste there is, when, year after year, the same Bills for the promotion of new lines are brought before this House, and after an immense cost to both parties, are thrown out. The legal and Parliamentary expenses for the railways of the United Kingdom in the Return of 1871 amount to £250,000, but this must represent only a portion of the expenses, because numerous officers of the Companies, with immense staffs of assistants and clerks, are engaged in this Parliamentary warfare, and their expenses are paid out of other details of expenditure; and I should like to know how much of the time of Boards of Directors and general managers is spent in attending to the safe and economical working of their line, and how much to the relations of the one Company with another? Last year, the right hon. Gentleman the Member for East Sussex (Mr. Dodson) made a vigorous attempt to amend the Private Bill legislation of the House. That attempt has not at present been successful, and one reason apparently has been that the great Railway Companies have obtained their Acts pretty satisfactorily and expensively, and they do not wish to see Acts of Parliament made cheap and easy for any new Companies that may arise. Then look at the number of competing lines that have been made all over the country, and the number of competing trains that are running—not running in a fair competition, because that is all stopped by combinations, and agreements among the Companies, but running in such a way that, while it is wasteful to the Company,

does not give the full facilities to the public. And all these nominally competing trains and lines mean a great number of extra stations and a most unnecessary staff of officers to check the accounts, and work and manage the business of each Company; instead of carefully working only for public facilities, they have to follow the example of the hon. Member for Yorkshire, and work for the separate interests of the Company in which they are primarily interested. If anybody has any doubt about this, he should read the evidence before the Joint Select Committee. It is evident that while the Railway Companies are persuading Parliament of the many advantages to be gained both to themselves and the public, they are practically proving the greater gain that would result from a complete unity of management altogether. Mr. Cawkwell, in proving the advantage of the amalgamation of the London and North Western with the Lancashire and Yorkshire, referring to central management, says—

“We have, I think, eight joint committees for the management of joint lines and joint properties in one way or another; amalgamation would do away with that.”

Then he adds after—

“There would be a considerable saving, because the whole property would be used for the best advantage of the whole amalgamated concern.”

And then Mr. Cawkwell goes on to show how much better it would be at the various stations of the Companies; and he instances Preston and Huddersfield, and the Victoria Station at Manchester, upon which his evidence is rather too long to read to the House. Then, take the expense caused by the immense quantity of empty rolling stock that has to be taken all over the country, impeding the traffic, causing extra risk through the increase in size and number of trains and the consequent useless wear and tear always going on. It is very difficult to estimate the actual amount of superabundant rolling stock always in motion; but Mr. Cawkwell says—

“We could work the stock better. I explained before about the better fitting of the trains, and by working the waggons and carriages and the different rolling-stock as one, we should not have so much running of empty waggons to and fro, because we should use each other's stock to the best advantage.”

I have heard of one general manager representing that his estimate of the

saving in this moving rolling stock would be one-third; and from conversation with the district managers of Railway Companies, I am told that it would be impossible to estimate the advantage that would accrue, because only those who have to arrange the intercommunication of various Companies, can tell the waste of power that goes on; and one remarkable fact is, that although general managers and Boards of Directors may wish to keep things as they are, yet the other responsible officers of Railway Companies I have met with, confess the immense advantage that would result from unity of management under Government. And, when we consider the waste of energy there is in the unnecessary number of servants at each junction of line, I cannot forget the huge system of the Railway Clearing House. I do not know the number of persons there employed, but I am told there must be about 1,000 or 1,500 clerks, whose business is to classify the amount due to each separate Company. Well, of course, if there were were but one management there would be no occasion for all this work, and the Railway Clearing House officials would be removed to a more legitimate sphere—that of working the railways directly for the public, and the saving effected by the abolition of the chief duties of the Clearing House would not be a small one. I have only mentioned a few of the wasteful results of the present system; had time permitted, I would have gone through more, especially referring to the system of compensation which I hold to be at present a vicious necessity, and could be met much more fairly by a species of insurance, but the hon. Baronet has referred so completely to the evils connected with accidents, that I need not and will not trouble the House further, as it is only in the conclusion he draws that I differ from him in a great deal of what he has said. We are often told the shareholders pay for all these frequent railway errors and mistakes: this is quite a fallacy; the shareholders nominally suffer, but the real loss falls on the public. We are beginning now to see that all the waste and bad management of railway directors affect each one of us as much as the shareholders, for we pay for all this in the fares for passenger traffic and the rates for goods. I have no doubt that most of us in travelling on the Con-

tinents have noticed the difference of fares between England and the Continental States; but I do not expect it is generally known that of all the countries of Europe, our own is the dearest for travelling on railways. I do not think the figures are quite the same now as they were some time ago, and it is possible, that taking the bulk of the English railways, they may be rather lower now than in 1866, but Mr. Gatt put a statement before the Royal Commission of 1866 which showed that while you could travel in Belgium for 100 miles first-class for 6s. 6d., and in Prussia for 13s., in the United Kingdom it would cost 18s. 9d.; and now, according to the lowest first-class fares on the English railway you would have to pay 16s. 8d. I take these countries, because in Belgium the state has always owned so much of the railway system, and so well has it answered, that, before long it seems probable that all the lines of that country will belong to and be managed by the State; while in Prussia, about half belong to the State, and the other half to private companies. Then I will venture to give another statement taken from a book that we all of us consult pretty often, and *Bradshaw* tells us that we can travel in Belgium for about 1d. per mile against 2d. per mile in England first-class; four-fifths of a 1d. against 1½d. for second-class; and a ½d. per mile against 1d. for third-class. And I would here make one comparison; the railways of Belgium have been greatly made and controlled by the State, and the charge is about one-half of what it is in England; the average price of telegraphic messages in the time of companies was a little over 2s. per message. Now the Government is in possession of the telegraphs, telegraphic messages can be sent for half the price, that is, 1s., and I do not think anyone will complain that the service is worse performed. If the fares for passenger traffic on our railways are dear, what is to be said about the rates for our goods traffic? There is some difficulty in obtaining an accurate idea of what the charge for goods traffic may be; it is guided by no method, it is very unintelligible and it is impossible to guess what may be considered a fair rate, and what a most unreasonable one; but I think I may safely say, they are dearer in proportion, and very con-

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siderably dearer than our passenger fares. A new tariff has been made for the Belgian State lines during the last few years, which rather modifies the one of 1862 for long distances, but as the tariff for 1862 was laid before the Irish Commission of 1868, and has been verified, and the alterations are not very great, I have taken that as a basis, until we can have an authentic table of present rates put before the House; and I am not surprised when I look at those tables that the Irish people bitterly complain of the charge on their railways. We find there that for the six classes of goods the charge is for Irish 10 miles, 2s. 6d., 3s. 3d., 3s. 9d., 5s. 6d., 8s. 9d., and 13s. 6d. Belgian 10 miles, 1s. 4d., 1s. 10d., 2s. 1d., 2s. 1d., 2s. 1d.; and a comparison of the charges for various description of goods on the English and Belgians lines shows a difference of 16s. 8d. and 10s. 1d. bar iron for 145 miles, and for silk goods insured of 65s. and 12s. 1d. for 94 miles. But I am told that, badly as our railways compare with those on the Continent for cost of freight, the anomalies on our own lines are far greater and more scandalous, and the way that small traders and those connected with the retail trade of the country are pillaged is inconceivable, and I will give one instance; for one class of goods the rate granted as a special rate to large manufacturers is 24s. while for small traders on the same line, from a station six miles nearer it is 40s. It will then be seen that while large manufacturers are paying nearly double the rate of Belgium, the small general trader of the country will be paying three or four times the Belgian rate. A short time ago the hon. Member for Westminster (Mr. W. H. Smith) gave us rather a gloomy picture of the commercial prospects of the country. Well, Sir, when we know what Continental competition we have to contend with, and how much the item of carriage enters into cost of manufactures in this country, are we not putting a heavy load upon the private enterprise of this country? And though attempts will be made to disprove the figures I have laid before the House, I am convinced the great difference that exists between the English and Continental rates will sooner or later draw forth the angry protests of our English manufacturers. I hope I have shown to the House

that the present system of railway management is growing into a complete monopoly amongst a few Companies, managed by men not responsible to the public; that Parliamentary interference has not been productive of any benefit, and that nothing can prevent the whole traffic of the country being at the mercy of railway directors; that this system has been most extravagant both in construction and working of railways, and the hon. Baronet who preceded me has fully shown that it is not especially conducive to the safety either of officials or of travellers generally. And it will be also observed that this country, the cradle of railways, is not the first in the world, either for safety or economy of working. And the question arises, shall we be satisfied with things as they are, and if not, what course shall we pursue? I only know of three courses open to us. The first is—to leave Railway Companies alone, and let them arrange the traffic as they please, and amalgamate and combine until they are the authoritative rulers of all inland traffic, thus trusting to the public spirit and insight of directors to act as leniently as they think fit. Does the past give us much hope that this is likely to be satisfactory to the country? I think not. The next course is—that you would try how far it is possible to control Railway Companies by Board of Trade Inspectors, or by rules and regulations that you may put upon them. The Report of the Joint Select Committee plainly shows that no attempts at control—less than that of taking the whole control—will end in anything but the entire triumphs of the railway interests, because you cannot separate power from responsibility. And then, the only other course left open for us to follow is the one I suggest—namely, for the Government to take the railways into their own possession and manage them itself, on behalf of the country. By this course you have all the benefits that would arise both in facilities and economy from unity of management—the Board with whom this power would lie having no interest to serve except that of the country. We should obtain lower fares and rates, thus helping the free communication with all classes, and materially assisting the trade of the country in its competition with that of other nations; we should enable the Post Office to further increase its

beneficial operations, and, though I am not inclined to fall in with the opinion that the taxes of the country should be raised by maintaining anything like present rates and fares, yet I believe we should generally have a balance of a million or two at the end of each financial year, that would go to reduce the National Debt. There are many other advantages that I could have mentioned, but I would rather occupy the time of the House in referring to the objections that are and will be raised against this proposal. I believe all the objections may be summed up in one word, and that word is "fears." I think I may safely say that every argument that has been used against the purchase of the railways by the State, has been urged before against the Post Office, the commencement of the Post Office Savings Banks, and lastly, the purchase of the Telegraphs; and yet, would anyone wish to see the conveyance and delivery of our letters in the hands of half-a-dozen private companies? Or, does anyone wish to return to the days of private telegraph companies? And so, when the great change may have been made in our railway management, people will wonder how it was we were so contented with the wasteful monopolies of the present day. Well, then, what are the objections that are urged? First and foremost is the one of the amount of patronage it would place in the hands of the Government of the day. I have heard a good deal of the evils of Government patronage; but all I can say is, I cannot imagine where such patronage would exist. The filling up the various offices would lie with the Central Board, or with certain district powers, who for their credit in working the railways would fill up such vacancies with the best men they could select, and I say they are as likely to make as good appointments as are made by present Boards of Railway Directors; and reference is made to the effect upon elections with some 300,000 railway *employés*; that seems to me an argument that will not bear inspection; how many constituencies are there at the present time where 2 per cent of the population would be employed by the Government upon railways, and even granting that there were a large number in a few constituencies, is it a benefit or not to any Government at an election time? The

Government of hon. Gentlemen opposite was in power at the last General Election, but I cannot see that it was the slightest service to them in dockyard towns, where, far more than can ever occur by railways, Government control could be used; and has it ever been said that the Post Office, with 50,000 *employés*, has ever had anything to do with deciding an election? And if those influences have not acted before the introduction of secret voting, are they likely to act at all now? I cannot believe for a moment that vicious political patronage could exist; and at the first idea of anything of the kind the public, who keep so jealous an eye upon everything, would soon prevent it. And we must recollect that it is more likely that public opinion would be too vigilant—everybody almost travels upon railways, and everybody, more or less, understands somewhat of the advantages of the management of railways—and instead of there being any possibility of slurring over mistakes, the public will be more likely to be too exacting if any mistakes or errors are made. It seems to me that any of the evils that may arise from patronage are more likely to arise under the management of Boards of Directors than under that of a responsible Government. Then comes the argument of the right hon. Gentleman at the head of the Government, who says it is the duty of the Government to govern and not to trade; but he says very truly that this is an argument which should not be pressed when a great public advantage, amounting almost to a necessity, would be obtained. The right hon. Gentleman acquiesced in the purchase of the telegraphs. If an equal public advantage would be obtained by the purchase of the railways, how could he refuse? And is there any reason why our telegraphic messages and our letters should be carried more economically or safer than our bodies? I fully agree with the idea that a Government should not interfere further than is necessary with the action and enterprise of the people; but I believe there is as great a principle on the other side of this question, and that is that the roads which have become by the advance of science and engineering the great highways of this and future generations, should be as open and free to all classes amongst us as it is in the power of man to make them. Then,

another fear that people express is, that railways could not be managed and worked by the State. Why not? Why could not the best railway managers and directors form a sort of Board, responsible only to Parliament and the country, for the well working of railways? Cannot we believe that the skill and attention that distinguish some of our best railway managers would be given equally to the State, as are now given to railway shareholders? And why should not the various district managers be able to arrange and work the traffic in their various districts as well, and a great deal better too, when they have only to study the arrangements with a view to the public convenience, rather than, as they have to do now, to arrange it with a view of meeting, or not meeting the trains of other Companies' lines? I maintain that, under such circumstances, the working of railways might be much more easily and better performed. Then, my hon. Friend the Member for Rochester (Mr. Goldsmid) referred to the difficulties of controlling the operatives, and talked of gigantic unions and strikes. I say we have as much and more fear of that at the present time. And who is there so proper to deal with that as the Government, who would be compelled to see that justice was done to the *employés* as well as the public, and who would have the power of controlling such organization as might exist? But what are the facts of the case? We have had strikes amongst engine-drivers and porters; but when have we ever had a strike amongst dockyard men or any other Government servants? I do not pretend the Government can make it smooth and easy sailing for every class of their servants; but I believe they can be the best judges of what is due to their servants, and what is due to the public, because they know that erring on either side will only bring upon them public reprobation. And there have been complaints amongst Railway Companies' servants of long hours of work and underpay that my hon. Friend the Member for Derby (Mr. M. T. Bass) has constantly been investigating, and which all of us must admit are, unfortunately, too often true. Another objection that has been raised to this proposal is this one—that if a new line is required it may become a hustings question, or it may prevent any new lines being made. There is no

doubt that it would prevent a number of nominally competing but really useless lines; we have now too many of such lines, because the public encourages the making of them with the vain hope of obtaining competition, but it really ends in a combination with the other Companies; and then the rates and fares have to bear the cost of the construction of these new lines, when the old ones were ample for the traffic. It seems to me a simple question, because there would be a special committee of the Central Board to consider all applications for new lines; and the only two things that would have to be proved would be that the line was really desired by the inhabitants of the district, and that it would pay the expense of construction and working, and the interest of money expended upon it. I do not imagine there would be much difficulty raised to the making of a new line, if the local authorities or some responsible persons would guarantee the safety of the expenditure, if reasonable proof could not be given of the probability of the new line paying expenses. The only other difficulty of any importance raised against this proposal is what may be called the financial one. If I do not state to the House how I believe this question may be met, it is only because there is very great difficulty in dealing with figures in a speech—especially such enormous totals as are contained in the value and income of Railway Companies. One of the first questions which is asked I find to be—Will it pay? I am bound to admit that a great deal more information will be required before a correct idea of the value of the present railways can be stated. I believe the Government did obtain accurate and proper information of the value of the Irish Railways, and there need be no difficulty in obtaining the value of the English and Scotch ones, I wish to avoid all figures, or I would have shown the absurdity of some of the calculations that have been put forward by some gentlemen connected with Railway Companies, put forward, I presume with the idea of obtaining a better price when the time arrives for the bargain to be made. I believe, however, there can be no doubt that the purchase of the lines by the State would be a remunerative transaction; and there are two essential reasons, putting aside the

question that Government could, under a watchful public, be more likely to manage the railways well and economically than a private company. I say one great advantage for economy will be found in unity of management. The late Mr. Graves, the respected Member for Liverpool, who was no theorist, but a cautious, prudent man, stated it as his opinion that with unity of management the working of railways would result in a saving of 25 per cent from the working expenses. From conversation with railway officials I am inclined to think that after a few years trial, 25 per cent would be rather under than over the estimate, but Mr. Graves' estimate would result in a saving of no less than about £6,000,000 a-year. I believe the other essential reason would be that, granted we had arrived at a fair amount of the value of railway property, the money would be had at a lower rate of interest by the security of the State, rather than by the security of a Railway Company. I believe, from these two sources so large a gain would be obtained, that a large reduction in the rates and fares would take place, and this would act as a stimulus to the trade and the travelling capabilities of the public to so great an extent, that the receipts would soon amount to the total before the reduction had taken place, when fresh reductions would be made. This is a tendency which we see over and over again in the revenue of the country, and it will undoubtedly follow in the railway management. I feel that I have said only a very small fraction of what might be urged in favour of so great a change. The railways of our country have been laid out without method or arrangement; they are dear beyond precedent, and precautions for safety are not readily adopted; also, the power that will lie in the hands of a few combined Railway Companies is opposed to the principle of a free and responsible Government, and must be a source of irritation and danger in coming years. What is to be our policy in the future? Are we to attempt to resist a policy of amalgamation, when such an attempt will fail, and is opposed to the interests of the country? Are we to follow the desires of the hon. Baronet and further control the working of railways, when we know that control without responsibility has always failed, and must always fail? Or, are we to take

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the only logical course, and face the difficulty by taking upon ourselves the control and responsibility? We have already delayed this question too long, and I would appeal to the Government boldly to take a course which I believe is inevitable, and one which, the sooner it is undertaken the better it will be for the welfare and the prosperity of the country. The hon. gentleman concluded by moving the Amendment of which he had given Notice.

Mr. PIM seconded the Amendment.

Amendment proposed,

To leave out from the word "when" to the end of the Question, in order to add the words "the Railways of the United Kingdom should become the property, and be under the control and management of the State,"—(*Mr. Lea*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CHICHESTER FORTESCUE said, he hoped that the hon. Member for Kidderminster (*Mr. Lea*) would excuse him if he declined to follow him over the wide field he had traversed on the subject of his Amendment. The question of the purchase of the railways by the State was of too vast importance to be tacked on to a Motion neither intended nor calculated to raise it. In respect to the real question raised by the hon. Baronet (*Sir Henry Selwin-Ibbetson*), he entirely concurred with what he had said at the outset. Whatever conclusions might be ultimately arrived at, he believed that such discussions as the one initiated by the hon. Baronet tended to produce great good, and to effect that object which they had all equally at heart—namely, to render more secure the lives and property of those who travelled by our railways. He had every reason to believe that the hon. Baronet had already conferred much benefit on the community at large by his previous efforts in the same direction. Without, however, meaning to lessen the importance of this discussion, or to weaken the attempts of the hon. Baronet, or any other Member, to improve the existing state of things, he thought it his duty to mention a few facts and figures in connection with this subject of railway accidents. The large increase in the number of accidents returned on our railways during the past year referred to by the

hon. Baronet was more apparent than real, and was due to the more accurate and searching character of the Returns, and not to an actual increase in the number of casualties. Since the year 1865 the number of accidents annually reported had continually decreased until last year, when they suddenly increased again; but it was a singular fact, and one which would afford a clue to the real state of things, that whereas the number of passengers killed in 1865 was 22, only 20 were killed in 1872. In 1850 the proportion of passengers killed to the total number of passengers was 1 in 4,500,000, whereas in 1872 the proportion was 1 in 19,000,000. In 1858 there were 139,000,000 passengers conveyed over the lines of the kingdom, and in 1871 that number had increased to 375,000,000. The number of locomotives in 1858 was 5,445, and in 1871 they amounted to 10,490; vehicles other than locomotives in 1858 were 175,000, and in 1871 they had increased to 311,000. It could not be said there was proof of such a formidable increase of accidents or of a railway carelessness and recklessness as to justify them in taking immediate action on the subject. He had no intention of deprecating the necessity of inquiries, the only question being whether the time had arrived for compulsory legislation. For his own part, he saw no reason why they need be contented with the present state of things, or why they should tolerate the negligence of Railway Companies in not adopting those means of safety which were shown to be necessary. With all that had been said by the hon. Baronet on that point he was able to agree; but he must observe that this subject had not been neglected during the present Session, because great attention had been paid to it in the other House of Parliament. No one could fairly judge whether or not legislation on this subject was at the present moment necessary without having made himself master of the evidence taken before the Lords' Committee upon the Bill introduced by Lord Buckhurst. The hon. Baronet thought he had greatly improved the position of the question by not taking the course taken by Lord Buckhurst in the other House. He (Mr. Chichester Fortescue) was not able to agree with the hon. Baronet on the point. The hon. Baronet appeared to

think he was doing a kindness to the Board of Trade by not drawing a hard-and-fast line; but the hon. Baronet, if he (Mr. Chichester Fortescue) understood the Motion aright, proposed to impose on the Board of Trade an amount of power and discretion which no Department of the Government would be inclined to exercise, or the public to tolerate. Lord Buckhurst did not do that. He introduced a Bill which said in so many words that Railway Companies should supply two well-ascertained improvements—the block system and the system of interlocked signals. In the course of the inquiry on his Bill he was driven out of that absolute method of legislation, and proposed a provision which would afford time to certain railways to introduce these two systems, and made other exceptions. If there was to be any Bill of that kind, he (Mr. Chichester Fortescue) thought Lord Buckhurst's was the sort of Bill we must have. But the Committee obtained information which greatly affected their judgment. They found that the before-mentioned improvements were being introduced on the South-Eastern, the Bristol and Exeter, Midland, Lancashire and Yorkshire, Metropolitan, Caledonian, North Eastern, Great Northern, London and North Western, London and South Western, North British, and Highland Railways. Under these circumstances, the Committee recommended that the Bill should not be proceeded with during the present Session. They recommended however, that the Board of Trade should call for such information as might enable the Inspectors in their annual Reports to state the progress made in the adoption on all passenger lines of these improvements. Parliament would then be in a condition to decide whether more should be done to compel the adoption of them. It was evident that these improvements could not be produced in a day. The Committee recommended that Parliament should at least wait and see whether Railway Companies continued to introduce these improvements and fulfilled these large promises which they made to the Committee before resorting to compulsory legislation, which might be necessary, but which ought certainly to be avoided if possible. Of course, if every Railway Company was to be compelled under penalty to provide these



appliances, a very considerable time must necessarily elapse before they could make it compulsory. He quite agreed, however, with the Committee of the House of Lords in the belief that nothing was lost by their not resorting to compulsory legislation. If that had not been his belief, it would have been his duty to have brought in a Bill on the subject, and he should not have waited for the Resolution of the hon. Baronet. Considering, therefore, the difficulties of the subject, he did not consider its present position unsatisfactory, and he believed that the attention which had been bestowed upon it by the House of Lords and the House of Commons would have a powerful effect. With regard to the Returns from the Railway Companies, he proposed to bring in a Bill upon the subject before the close of the present Session, requiring them to furnish Returns of the extent to which they are introducing the block system and interlocking signals. With these explanations he trusted the hon. Baronet would rest satisfied.

MR. GOLDSMID regretted that the right hon. Gentleman should have risen so soon, because, as the House was in a few minutes to be subjected to the Parliamentary process known as "a count," independent Members had no opportunity of speaking, and the only result of the debate would be an official expression of opinion. He maintained that the figures adduced by the hon. Baronet (Sir Henry Selwin-Ibbetson) were exceedingly misleading; indeed, in that respect they were only surpassed by the inaccurate figures of the hon. Member (Mr. Lea) who had moved the Amendment, which was by no means relevant to the question. He (Mr. Goldsmid) would be perfectly ready to meet the hon. Member for Kidderminster on the question he had raised; but as it had nothing to do with the Motion of the hon. Baronet, he did not propose to answer him now. The hon. Baronet recommended the use of the block system and interlocking as the universal panacea against railway accidents, and had quoted in support of it the authority of Captain Tyler. But what was Captain Tyler's own practice, where he could make his wishes respected? Why, Captain Tyler was an active Director of the Grand Trunk Railway of Canada, on which line the system was totally

unknown. Now, on the subject of accidents, he (Mr. Goldsmid) desired to point out that for several years there had been a continuous decrease in the number of accidents on the railways of the United Kingdom, so that one of the safest places out of a house for an Englishman was in a railway carriage. There were more people killed in the streets of London every year than by the railways in five years. In 1847-8 one person was killed out of every 4,700,000 carried on the railways; while last year only one person out of every 31,000,000 carried was killed. Nor was this all, for there was yearly an enormous increase in the number of passengers carried, as well as in the number of miles travelled. The number of passengers carried in 1871 was more than 375,000,000, besides season ticket holders, whose number was over 188,000, and whose journeys were not counted. Moreover, the amount of compensation for railway accidents was decreasing every year, and the management of our railways would now compare most favourably with that of Continental lines. In France, where the railways were to a modified extent under Government control, all possible means were taken to conceal railway accidents, and the public had less security than if the lines were absolutely under the management of directors responsible to the shareholders and the public. Though he had no connection with any railway directors, he was certain that it must be their desire, as reasonable men, in their own interests, to lessen the number of accidents as far as possible. In the coaching days accidents were constantly occurring, but they were not noticed by the public. Again, railway servants who lost their lives frequently did so in consequence of their disregard of rules and regulations laid down for their special guidance and protection. How, then, could it be said that the directors were responsible for those accidents?

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. GOLDSMID, resuming, said, he had pointed out that the number of passengers carried was largely increasing, but it must be also remembered that besides this increase, there had also been an enormous increase in the carriage of goods, which complicated the

traffic; and that, notwithstanding this, the safety with which passengers were carried had increased. In 1871 more than 67,000,000 tons of general merchandize were carried by Railway Companies in the United Kingdom, and 102,000,000 tons of minerals in the same year, besides luggage, horses, stock, carriages, parcels, mails, &c., &c.; and yet the proportion of fatal accidents on the railroads with so enormous a traffic was only as 1 to 31,000,000. No other country could show figures so favourable, and as no sufficient reason had in any view been shown for the adoption of the Motion, he hoped the House would not agree to it.

MR. MONTAGU CHAMBERS expressed his astonishment at the remark of the hon. and learned Gentleman (Mr. Goldsmid) to the effect that the safest place out-of-doors was in a railway carriage. If he (Mr. Chambers) walked through his park, then, it would be dangerous, and he had better go to the next railway station and get into a third-class carriage. If he happened to walk along a country lane or anything of the sort, it would be dangerous, and he had better walk to the railway station forthwith and get into an express train or an excursion train. That was the proper thing to do in order to be perfectly safe.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter  
after Eight o'clock.

## HOUSE OF COMMONS,

*Wednesday, 21st May, 1873.*

MINUTES.]—NEW WRIT ISSUED—*For Richmond, v. Lawrence Dundas, esquire, now Earl of Zetland.*

SUPPLY—*Resolutions* [May 19] reported.

PUBLIC BILLS—*Ordered—First Reading*—Local Government Provisional Orders (No. 3) \* [169]; East India (Railway Shares) \* [168]; Grand Jury Presentments (Ireland) \* [170].

*Second Reading*—Contagious Diseases Acts Repeal (1866—1869) [29], put off; Borough Franchise (Ireland) [118], deferred.

Committee—*Report*—Municipal Corporations Evidence \* [155]; (£12,000,000) Consolidated Fund \*.

*Considered as amended*—Gas and Water Provisional Orders Confirmation (No. 2) \* [126].

## CONTAGIOUS DISEASES ACTS REPEAL (1866—1869) BILL.—[BILL 29.]

(Mr. William Fowler, Mr. Jacob Bright,  
Mr. Mundella.)

### SECOND READING.

Order for Second Reading read.

MR. W. FOWLER: I rise to move the second reading of this Bill, and, in doing so, I do that which is very painful to me, because I dislike to bring again before the House a subject in itself so repulsive. If last year we had divided on this question I might have thought it consistent with my duty not to have brought it on again in the present Parliament. Hon. Members know that since 1870—three years ago, within three days—we have had no division on the Main Question, but only on Supply or on the Motion for the Adjournment of the Debate. Since that time the Royal Commission has sat and reported. Two years ago, on the 14th of August, I made a Motion on going into Committee of Supply, but it was impracticable to get a proper division at that season of the year. Now, I wish to make one preliminary observation, in which I think the right hon. Gentleman who is going to move the rejection of the Bill will agree. If he is right, these Acts should be extended to the whole Empire. If he is wrong, they ought to be repealed. Our present position is entirely wrong; it is inconsistent with reason and logic. We are professing to benefit a particular class, and refuse that benefit to another far more numerous class. Yet, for all practical purposes, they are in the same position; for I will remind the right hon. Gentleman that if it be true, that soldiers and sailors, under our peculiar military system, are in a painful position as regards celibacy, the same thing is true of a far larger army of young men throughout the country, who are equally incapable of marrying. If I am wrong, I will frankly confess it, and vote for the extension of these Acts. If I am right, I am logical in asking for the repeal of these Acts. Two questions arise in this matter: the first is as to the facts of the case, and the second as to the principle on which legislation of this kind is founded. I have experienced a painful sense of the difficulty of arriving at facts from the Papers and statistics presented to us. Witnesses, apparently equally able to speak on many questions,

are inexplicably at variance. The confusion is equal to what one meets with in the Court of Chancery in a lunacy or engineering case, when the scientific witnesses give evidence diametrically opposed to one another. I need hardly remind the House of the nature of these Acts. In the year 1864 an Act was passed which substantially gave to a policeman power to report to a magistrate that he had "good cause to believe" any given woman to be diseased, and therefore a fit subject to be examined, and taken to the hospital, if found diseased. That Act lasted till 1866, when the women were subjected to what is called periodical examination—that is to say, everyone of the women in the towns known or believed by the police to be fit subjects to come under the Acts, has, from time to time, to submit herself for examination. The object of this was to take care that if she were not well, she should be confined to the hospital until she should be cured. Another Act was passed in 1869, and its most important provision was that a voluntary submission by a woman had the same effect as an order by a magistrate, made after considering the facts. Now, I have to remark first, that the object of the Act of 1864 is not to diminish vice, but disease. There is not a word in that Act about doing anything for the reformation of women; it simply deals with the physical aspect of the question. The same remark applies to the Act of 1866, as it first came into the House; but a Select Committee who considered it, on account mainly of a protest of the right hon. Gentleman the Member for Oxford, and the right hon. Gentleman the present Commissioner of Works, inserted a clause, ordering that some provision should be made for the religious care of the women while they were in hospital. But be it observed that no woman under this law is to be in hospital except while she is ill. When well, she has a right to go about her business immediately. Supporters of the Acts rely on two sets of results, the moral and physical; but the statistics on which they depend are extremely unsatisfactory. Many of them are false on the face of them, as I shall have presently to show, and it is impertinent to ask us to legislate on such a basis. With regard to the moral results, there is one important preliminary

observation to be made—namely, that these Acts were passed, not with the object of moral reformation, but with the object of preventing injury to the Army and Navy. Parliament interfered because soldiers and sailors were injured by this disease. This is proved by the literature of the question abundantly, nor is it surprising that this should be the case, for there was nothing in the previous history of this question to justify the assumption that there would be any great moral results from such legislation, because towns on the Continent where this system, or something like it, had been in existence many years, did not present a better appearance than the towns of England. On the contrary, their moral position was, and is, atrociously bad. Very eminent persons have used language with reference to the present condition of Paris, Hamburg, and Berlin, which I hardly like to quote to the House. Moreover, some so-called moral results mentioned in the Papers laid before the House are not the natural products of the Acts. For instance, when the police come forward, as they are said to do, and take a sort of paternal part towards those unfortunate women—warning them from their course of life, and so forth—they are doing that which the Act never gave them power to do. The Act of Parliament requires them to bring these women under examination. It may be very satisfactory that they should take a paternal interest in the well being of the women, but that is the result of their natural kindness, and is not required of them by the law. I will now mention a few of these so-called moral results. Great stress has been laid upon the alleged diminution of the women in towns, but these figures, especially with reference to Devonport and Plymouth, have been contradicted over and over again before the Royal Commission by the local police. Statements made by the Secretary of State before his constituents, on the authority of these Returns, have been repudiated by the magistrates of the towns to which they refer. These figures still remain among the statistics as if they had been affirmed in the most solemn and deliberate manner. As long ago as 1869 these figures were denied by Mr. Swain, a surgeon, acting under the Acts. He read a Paper to the Bristol Social Science Association, in which he said—

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"We have been lately told that the number of prostitutes in our neighbourhood has diminished from 2,000 in 1864, to 770 at the present time. We have also been told, as a proof that vice has materially diminished, that clandestine prostitution has much lessened. Now, many people who are well able to judge, assert that there never were so many as 2,000 public prostitutes in the three towns, and although there are only 770 names now on the police register, it is believed impossible that that number represents the entire body of women who practice prostitution at the present. As far as Devonport is concerned, I know on the best authority, that the number of women has slightly increased during the last two years. It is thought that the gentleman who made this statement has been wrong at both ends—in overstating the number of prostitutes in the towns in 1864, and in understating the numbers at present practising this vocation. But to go on to assert that with this enormous decrease in the number of public prostitutes, clandestine prostitution has also diminished, is really to state a fact which runs counter to the experience of everyone who has studied the subject, which is, that clandestine prostitution invariably increases with the decrease of the number of women who gain their livelihood as public prostitutes."

Mr. Wreford, head of the local police, stated before the Royal Commission that Mr. Anniss' estimate was excessive. Dr. Row, a magistrate of the district, said the same thing. Mr. Wakeford, the superintendent of police under the Acts, described it as a "loose calculation." Mr. Wolferstan, surgeon for years to the Royal Albert Hospital, who knows more about it than any other man, also denies the statistics; and Mr. Ryder, a magistrate of the town, says there were never so many as 2,000 prostitutes in the towns, "nor anything like it." This number would show that 1 woman out of every 12, between the ages of 14 and 34, was a common prostitute. This the people of the neighbourhood indignantly repudiate. The case of Portsmouth is also curious. There the metropolitan police gave a lower estimate than the local, so this higher figure was put on the Return; whereas, at Devonport, the figure of the metropolitan police, as being far higher than that of the local, was taken. Mr. Westbrook, who is the Inspector at Portsmouth, gave evidence of the way in which these statistics were got up. He said, in answer to Question No. 11,465—

"These things are got up very often. I went to Southampton to put the Acts in force, and there I saw the Superintendent, or Inspector, and asked him, 'How many prostitutes are there here?' He said, '1,300.' I said, 'You have a large number to follow.' 'Yes,' he said; 'I

always make a return of 800 every year. He sent an active officer with me for four days and we got 220 prostitutes, and about a great number of them there is a doubt, and now there are 120 at Southampton."

This is the evidence of a police Inspector acting under the Act of Parliament, and we are asked to take these figures and make laws upon them. It is evident that the police cannot know all the women. It is notorious on the Continent that the most dangerous women are those outside the power of the police altogether. There was abundant evidence to show that this is also the case at Plymouth and Portsmouth. The evidence told of a number who were on the border line, and depend upon it there are a great many more of whom our informants know nothing. If there is a belief among these men that a reduction would be agreeable at headquarters, they might put any number down. ["Oh!"] I do not say they do; but how can you say they do not? An Inspector might say—"This and that one is doubtful, I'll not put them down because I don't want to make a heavy return." I do not say it is so; but I say this is a very nice question, and it is very difficult for the police to say there are so many and no more. Now, I assert that all that has been done by the use of the powers given to the police has been done in other places without the aid of such Acts as these. There is a very remarkable Return, dated 1872, on the subject of the diminution of low public-houses in London and the country. I find a most extraordinary diminution came about altogether independently of these Acts. Take the metropolis. In 1867 there were 1,787 houses of bad character, in 1871 they had been reduced to 1,139. Another remarkable Return, made to the municipality of Glasgow, shows that in the year 1869 the number of thefts by prostitutes was 463; in 1870, 332; in 1871, 259; and last year, 188. In the year 1869 the number of thefts in brothels was 683; in 1870, 475; in 1871, 199; and last year, 39. The number of brothels in the city in the year 1869 was 211; in 1870, 204; in 1871, 79; and last year, upon 20th December, 50. In the Sixty-sixth Annual Report by the Directors of the Glasgow Lock Hospital, issued for 1871, the following paragraph appears—namely—

"In submitting the Sixty-sixth Annual Report of the Glasgow Lock Hospital, the Directors have, in the first place, to record a marked falling off in the number of patients—the number admitted during the year 1871 having been 394, as against 534 in 1870, showing a decrease of no less than 140."

This result has been brought about simply by the action of the police, without any of the extraordinary and indefensible powers conferred by the Contagious Diseases Acts. It shows how much may be done without offending the moral sense of any body. [Mr. BRUCE: It is under a special Act.] It may be a special Act, but it is not a Contagious Diseases Act. If there is any new law required to give the police fuller powers, I am not the man to oppose it; but I object to this peculiar legislation. I do not want to say anything offensive, but I should like to see a Return, if it were possible to get it, of the women who have been forced over the precipice, as it were, and made prostitutes by these Acts. [Mr. MUNDELLA: Hear, hear!] I should like to see how many women have been marked down by the policeman, and have been taken off to the examining-room and made prostitutes when they did not wish to be. Such a Return would be very instructive. People tell us there is no difference between these women. I say there is the greatest possible difference in their condition, and that it requires greater discrimination than we can expect a policeman to possess to distinguish one class of women from the other. The next point made by the supporters of the Acts is that the number of young girls in the towns is reduced; but Mr. Westbrook, in answer to Questions Nos. 11,137-8, says—

"That is the only fault of the Acts, it gives young girls too much encouragement. In what way? Because a young girl is almost sure to take the disease, and she is taken into the hospital. There is a young girl of 18 who has been in the hospital 17 times, and in such hospitals as they are it is like turning young pickpockets among housebreakers. They are ruined after having been in the hospital, because there are such things going on there."

That is the evidence of an Inspector under the Acts. The people of Devonport do not believe they ever had these 212 under 16, and 419 under 17, as is stated in the Returns; while Portsmouth had only 31 under 16 and 66 under 17 at the same time. This would give one in every seven or eight girls of

that age in the Devonport district as common prostitutes. The people of Devonport look with horror at that statement of Mr. Anniss, and I say that the evidence of such men ought not to be taken by this House as a basis for legislation. The great reduction in the number of girls is not conclusively proved. There may be a decrease, but I say the number existing when the Acts commenced has been exaggerated most skilfully. Supposing the number on the register had decreased, the experience of Paris is that though you may decrease them, a corresponding increase arises among clandestine prostitutes. But it is said, again, that the number of bad houses has been reduced by these Acts. I say the reduction is not due to the Acts. I have shown you that the number of bad houses in Glasgow and in London has been decreased without these Acts. It is true Glasgow has a special Act, but the police have abundant power under the ordinary law to put down these houses, and it is a mere fallacy to attribute the suppression of such places to these Acts. There is not a syllable in the Acts about putting down such houses; but, on the other hand, there is no doubt that the Acts have put the police *en rapport* with the brothel-keepers, who give the police very "valuable information," and this gives a *quasi* sanction to these places which the law does not countenance. [Mr. MUNDELLA: Hear!] The Bill of the hon. Member for West Essex (Sir Henry Selwin-Ibbetson) has had an immense effect in reducing the number of these bad houses. That must not be forgotten. But the figures are here again most perplexing. I have a table in my hand which ought to make the House pause before it trusts to statistics. In Paper 149 we find it stated that in Devonport district there were, in 1865, 356 brothels, but the "judicial statistics" show us there were only 159 brothels there in that year. I do not know which is right and which is wrong, but it shows that the figures given in Paper 149 are not to be trusted. Another point much insisted on is the alleged reclamations, but they really form no part of the system. There is nothing about reclamation in the Act of Parliament. Even those who are supposed to be reclaimed are not really reclaimed. Anniss had the effrontery to say that he knew all

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about the women who went off his register, and he stated that 90 per cent of them were actually reclaimed, while the chaplain of the hospital, Mr. Hawker, and Miss Bull, the matron, said this was a gross exaggeration. She said that not more than 5 per cent were reclaimed. Mr. Westbrook said that policemen knew very little about it. In the nature of things they could not. The women go away and are lost sight of. The policemen must then leave them. They may have returned to their friends, but the chances were they had gone to another district. These Returns put some down as married, but I am sorry to say that numbers of women carry on their trade after they are married. Women entered as "restored to friends" or "married," cannot be regarded as reclaimed, but it is sad to observe how few are returned as having gone so far as that. In 1872 there were 3,484 cases—I do not say individual women—who entered the hospital, of whom only 252 entered homes. But if the House is so anxious to reclaim, why does not it assist the Rescue Societies, who are languishing for want of funds? These Returns are, as I said before, most deceptive, because, even of those who enter homes, so many return to their wretched occupation. Miss Brown said she left her place as a matron because these women came back so repeatedly, that she was discouraged. It is a very curious thing that the proportion of those who "go back to their former pursuits," as the Return says, at Devonport, was 48 per cent in 1865, and 83 per cent in 1872. Mr. Simon, in his famous Report, (11th Report to Privy Council), speaking of reclamation, says, at page 11—

"I fear, however, that such hopes as it at first sight would seem to justify, as to possible moral results of a Government superintendence of prostitution, would on any large scale show themselves essentially delusive; not, perhaps, as regards individual reclamations . . . but as regards the statistics of prostitution broadly and practically considered. If prostitution is really to be diminished, the principles of those who would diminish it must be preventive."

I believe the opinion expressed in these words is at the bottom of all sound legislation. Is it likely there should be much reclamation among women who know that they are taken care of by the State until they are well and can do no more harm by their trade? A woman knows that the object of the State is, not that

she should be restored to virtue, but that she should be made clean, and that the law has nothing to do with her when once she is restored to health. We have a good deal of evidence upon this point. The surgeon of the Royal Albert Hospital said—"The women consider themselves as kept clean by the State for the use of men." Miss Brown said they thought themselves "Government women." In the nature of things, such a system tends to harden the women. Nine out of ten of these women are examined when they are perfectly well. Tens of thousands are examined every year who are not diseased. One doctor examined 70 or 80 in succession in one day without finding one diseased. The French women, long subject to this system, are absolutely impervious to moral influence, and evidence had been given by numerous doctors of the hardening effects of the examinations. One policeman, a witness before the Royal Commission, gave up a good position because he was disgusted with the business, and Dr. Routh says, "I treat her as a brute" in so examining her. Mr. Thomas and Mrs. Cook say the same. Evidence was also given of the bad effect of mixing women, younger and older, the hardened and the recent offender, in the examination-room. The scene of these women trooping down to the examining-rooms is most demoralizing even to boys and girls at school. Yesterday I presented a Petition from the inhabitants of Southampton living near the room complaining of the nuisance to them and their families of the proximity of such a place. But it is said that women are deterred from becoming prostitutes by this system. The evidence upon this point is very contradictory; but, however this may be, I am sorry to say that when the women are brought under the Acts it tends to keep them longer in the profession. Under ordinary circumstances they do not continue in their life much more than a year on an average. Miss Bull speaks very strongly upon this subject; she says:—(7836) "that periodical examination has a great tendency to harden and keep women in that life." It is, however, said, that whatever else may be alleged and denied, the condition of towns has greatly improved since these Acts came in force, and we have had a Return from Dr. Sloggett on this head. I must say I have very little confidence

in the statements made in this Return. Yesterday morning I met a visiting magistrate of Dover, who denied a statement to the effect that the number of female inmates of the gaol had been reduced by the Acts. [Sir JOHN TRELAWNY: Name.] I will give his name to anybody who wants it. He will be quite ready to back up his statements before this House or anywhere else. He says, the Acts had nothing to do with the small number of these prisoners. The Vicar of Windsor, too, has stated that the closing of bad houses there was the result of his representations to the Mayor, and not the effect of the Acts. I have been shocked to read a great deal in this Return about the religious services carried on in the hospitals. The women are supposed to recite that prayer, praying to be delivered from fornication and all other deadly sins, while the whole cause of their being there is that they may be made clean to go out and commit fornication. Every woman knows very well that the intention of this Act of Parliament is to clean her up and make her fit for this horrible business. ["No, no!"] Then what does it mean? Now, as to the condition of the towns, we have better evidence than this Return. Referring to the alleged improvement of the district, we read in *The Devonport Independent* of the 8th of October, 1871, as follows:—

"The clandestine outlets of this stream of hideous vice have been greatly multiplied, and few people who reside in this district would believe that the number of absolute prostitutes is one less than it ever was."

["Oh, oh!"] Well, if the people of the neighbourhood are not to be believed who shall we trust? Dr. Row, a magistrate of the same district, says, they have as many rows in the streets from these women as ever, and in another answer he tells us that prostitutes are a petted class, and that they are as numerous as ever. Mr. Wolferstan says, distinctly, there is no improvement, and that men "felt they were safe and indulged more freely." Captain Browne gave some remarkable evidence. He says he heard a colonel tell the men, when on parade, that they must take care to go with clean women. The same witness says that the women are more insolent and that there was more solicitation. Mr. Westbrook said, there is no decrease of solicitation in Portsmouth. Even Dr. Sloggett admitted there was no change in the

habits of the men. It would be an abuse of terms to call any such results as those mentioned by the advocates of the Acts, moral. All the Acts do is to make the occupation apparently more respectable. Dr. Barr said (13,861)—

"It has made the prostitute a more respectable person. I cannot answer it in any other way. If you look on prostitution as an institution and a required one, I would say then that it has made prostitution more respectable. It has certainly made the prostitute a more respectable woman."

There is a very large "if" there, "If you look on prostitution as an institution," and that is what we do not allow. Mr. Webster, a minister, stated that a soldier had made the following remark to him—

"It seems very strange that the authorities should provide chaplains for the Army, and compel soldiers to go to church, where they pray 'From fornication and all other deadly sins, good Lord deliver us,' and yet support the Contagious Diseases Act and keep up regimental bazaars in India and so on, by which men may indulge in vice with ease."

I agree with that. And now I ask the House to observe a very important point. If there is so great a desire for moral results, how is it that no pains are taken about any of these women until they become diseased. Nine out of every ten are free from disease, consequently very few of them are helped. When you have once got this woman, if you have a moral object, you ought, whether she is diseased or not, to bring moral suasion to bear upon her, and not to clean her up and send her away. Again, observe another inconsistency. You try to help a man who gets a disease by a wrong act, but you do not help a man who catches fever or small-pox through no fault of his own. The spirit of the law is to help those who may have a disease, which they need not have, if they would but obey the laws of God and man, but not to help the man who catches a terrible disease in the course of his ordinary calling. This House, apparently, selects this particular disease for its special attention, simply, on account of the health of the soldier. I say the health of the civilian wants protection as well. You have no right to select a particular class for your special patronage. If you are prepared to prove your case, go through with it. But, as we stand, we are in an absurd and anomalous position. The effect of

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the system on the country at large is well stated by Dr. Routh, when he says—

"I think in all those countries, so far as I have been able to learn, where you have prostitution under the superintendence of the State, you have a degree of immorality existing which is far greater than anything which occurs in England. I mean that it leads to the minds of people being habituated to this sort of thing, so that they fall into sexual excesses of every kind, and of the most revolting nature."

I believe that is a fact, for it is confirmed by all sorts of witnesses and is not seriously disputed as to other countries, though it is supposed that a system which works badly elsewhere, will for some strange reason work well here. I must now refer to the physical results attributed to these Acts, but not in much detail, as I argued it very fully on the last occasion. In the first place, the evidence on the subject shows that there has been gross exaggeration as to the need for any legislation of this kind. I would refer especially to Dr. Simon's statements in his Report to the Privy Council—evidence which is abundantly confirmed by various witnesses who were examined by the Commission. But even supposing the disease to be ever so serious, it is evident that as long as one sex only is examined, the disease cannot be stamped out. You would not think of vaccinating only boys; you would think it the wildest absurdity to leave the girls unvaccinated. So the men in the Army were formerly examined, but was given up because the doctors found it so disgusting. It seems that it is disgusting for a man to examine a man, but not for a man to examine a woman. But the examination is entirely fallacious as a test of health. Mr. Wolferstan says, that the cases that escape detection are cases of constitutional syphilis. Mr. Simon says the same. Mr. Square says that many of the gravest cases come from women with no visible sores. Mr. Henry Lee has expressed his strong opinion that the diagnosis of this disease is almost, if not quite, impossible, and that the very worst cases may come from those women who have been examined, and are registered. But although the security is so illusory, still, as men believe themselves to be more secure, they will indulge more, and the disease will increase. The tendency of the disease in our own Army, according to the last Return, is to rise, and I re-

ceived a letter yesterday from Dr. Drysdale, in which he says the disease is as bad as or worse than ever on the Continent. It is easy to understand that there is more disease in Paris than there would be if the regulations were not so stringent. The victims of clandestine prostitution there shrink from discovering their disease to doctors; it consequently increases, and the authorities are now looking out for new precautions. M. Lecour says—

"These results show that prostitution increases, and that it becomes more dangerous to the public health. . . . The Administration has redoubled its activity; it has increased acts of repression as regards prostitutes, and it has, in short, kept the health of the ascribed (registered) women in a satisfactory state. But, on the other hand, the number of these women decreases continually, for in 1855 they were 4,257, and in 1869, 3,731; whereas, on 1st January, 1870, they were 3,656. This fact is the more important, as it coincides with a marked increase in clandestine prostitution. The Administration must succeed in turning clandestine prostitution into prostitution avowed, registered, and watched over."

The evidence before the Commission is full of proofs that no law can grapple with clandestine prostitution, which is fatal to the whole system. But we are told—look at the tables. I wish, however, to point out that even the figures on which we are asked to rely in this matter, are not conclusive. They give us no proof that there is a diminution of the really important disease. The "sores" mentioned in the Return are for the most part of no importance, and the Returns which we have in no way distinguish the important from the unimportant disease. They separate "sores" from the other and minor disease, but they do not distinguish one class of sores from another. Without this distinction such figures have no scientific value as a basis for legislation. Again, the figures do not seem worthy of credit. Captain Harris confessed before the Commission that his clerk had made a series of blunders, and that the Return of 1870 was entirely unworthy of credit. He has made a new Return which I hope is more correct. The last Return laid upon the Table is incorrect. It relates to the ratio per 1,000 of men diseased from 1865 to 1872. I have taken out the figures myself from Dr. Balfour's table given to the Royal Commission, and whereas the Return shows a decrease from 120 in 1865, to 54 in



1870, the real figures show a decrease of 110 to 65. This shows a very different ratio. Greater care should be taken in laying these figures before the House; they are extremely misleading. But not only are they inaccurate, we must be careful not to give them a false value. We know that many other causes contributed to a reduction of this disease. We know that the disease was declining before the Acts came into force, because of the greater attention paid in the Army to sanitary matters. Improvements have been made in the washing arrangements and the occupation and amusements of the soldiers, and in the homes for sailors, and in some cases there have been inspections of men on returning from furlough. But, after all, the disease in the whole Army has not materially diminished. There was a much greater fall between 1862 and 1866 than there has been since. But, it is said, even supposing the men are not much helped themselves, you must think of the innocent women and children. But your soldiers and sailors are, as a rule, unmarried, so they have no wives or children to be cared for. There might be some ground for the argument, if the Acts extended to the whole kingdom, but, even in that case, it would not be right for the State to provide clean women for married men. It is a monstrous proposition to say that the State is to find funds for a purpose so grossly immoral. Besides, the State does not care for the children of the drunkard, who vastly exceed in numbers the children who are afflicted by this disease; nor does it care for the children of the man who has had the small-pox. But it is idle to reason in this way. The Acts have not been passed for the protection of women and children; they were passed for the comfort and protection of the soldiers and sailors. So far, I have been talking of the results of the Acts. But I must also refer to the principles upon which all legislation of this kind is based. Now I say that these Acts are based on the assumption that prostitution is a necessity. If it be not a necessity; if men are able to take care of themselves, why do you want the Acts? The whole foundation of the law is, that men cannot help it, and must have this gratification, and are therefore entitled to protection. The Royal Commissioners Report on this subject as follows—

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"Thus, it is said, prostitution is indirectly if not directly recognised as a necessity. On the other hand, it is contended that by placing prostitution under regulations it is not recognised as a necessity, but the fact of its existence only is recognised. It is difficult, however, to escape from the inference that the State, in making provision for alleviating its evils, has assumed that prostitution is a necessity."

Is not that a most dangerous proposition? Who is to blame in this matter, the men or women? You may say both; and if that be so, both should be under restriction. You do not treat them alike, and that is obviously unjust. You do not admit that prostitution is a necessary evil, yet it is acknowledged that it is only necessary evils that are regulated; evils that are not necessary are put down. Drunkenness is punished; you do not regulate drunkenness, you regulate the sale of drink because that is innocent in itself, and, if taking a glass of beer were like the act of illicit intercourse, you would scorn to grant a licence to a public-house. If prostitution is a necessity, houses should be licenced, and proper precaution should be taken for safe indulgence in it. *M. Lacour* says:—

"The licence of the brothels is at the root of all regulation of prostitution. In a multitude of cases, when, for example, one is thinking of imposing registration and sanitary rules on prostitutes without a home, these measures would be illusory if there were no brothels. . . . This licence aids the police in localizing the mischief by giving the power to superintend and repress it, and thus to reach clandestine prostitution."

I have to say a few words, in conclusion, on the powers of the police. The right hon. Gentleman (Sir John Pakington) in his protest at the end of the Report of the Commission, says he does not like the Act of 1864, because it entrusts the police with a most delicate duty. He does not mind the Act of 1866, but their duty under that is equally delicate. Under the Act of 1864 the policeman had to find out whether a woman was diseased; under the Act of 1866 he has to find out whether a woman is or is not a prostitute, and this is often a most delicate matter. In both cases he acts partly on his own knowledge and partly on information obtained from a variety of sources, including the keepers of bad houses. This is a discretion a policeman should not have. We are told that the police never make mistakes. The other day I saw in *The Times* the case of Mrs. Stone,

who was forcibly removed from a railway carriage on the plea that she was a young woman of 15, who had eloped with a young man, when as a matter of fact, she was the mother of four or five children.

MR. BRUCE: What has that got to do with it?

MR. W. FOWLER: It is an illustration showing that the police do make mistakes. I have not forgotten that horrible case at Lille, where a person professing to represent the special police, terrified poor girls into submitting to his demands. That was a most fearful illustration of the danger which arises in such a case. We are told that these girls go to be examined willingly. Mr. Parsons says they go willingly rather than go before a magistrate.

MR. BRUCE interrupted.

MR. W. FOWLER: Unless they submit themselves they are obliged to go before a magistrate.

MR. BRUCE: They are not.

MR. SPEAKER: Order! order!

MR. W. FOWLER: I do not see why there should not be protection for the woman. It is all a case of suspicion on the part of the police, and the powers given them are enormous. Now, Sir, though I have much more to say, I feel that I must not trespass longer on the time of the House. I have shown how much may be done in the way of reclamation by voluntary means, and I have shown how entirely this system of coercion has failed in other countries. I repeat my proposition that there is no defence of these Acts except upon the assumption that indulgence is a necessity of man, and that if it be a necessity that it must be made as innocuous as possible. This is at the root of the whole case. I ask the House to divide upon that question. I know it is said we give no licence and we only recognize the fact. But is it not a licence to receive the woman time after time to be examined and sent out again? Does she not feel it to be a licence? In conclusion I denounce these Acts as immoral because they licence vice and confound the clearest moral distinctions. I denounce them as unjust because they treat the sexes unequally; they let the man go free and lock up the woman who is less to blame, because she is driven to the act by want. I denounce this law as unnecessary, because the

disease was rapidly diminishing before it was passed. I denounce it as illusory, because the test used as to the health of the woman is utterly insufficient. I denounce the law as unconstitutional, because it is dangerous to give such immense powers to the police. Time will not allow me to go into many points which would have made my case more clear, but I ask the House with confidence to say it will not continue this system. To be consistent we must either go backward or forward. I ask you to go back and repeal this obnoxious measure.

MR. MUNDELLA seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. William Fowler.*)

SIR JOHN PAKINGTON, in rising to move "That the Bill be read a second time that day six months," said, it was with much reluctance that he had taken upon himself the painful duty—which he thought should have been undertaken by some Member of Her Majesty's Government—of meeting the Motion of the hon. Member for the second reading of the Bill. In his opinion, it should not have been left to a private Member to vindicate these Acts, as the matter was essentially a Government question. The subject was one which touched the morals and the health of the people. It was one which had been legislated upon by the Government of the day; it had been inquired into under the authority of the Government; and, therefore, the Ministry ought not to have shrunk from meeting this Bill, either by boldly avowing their approbation and support of the Acts, or by boldly supporting their repeal. In opposing the measure, he was solely and exclusively influenced by a conscientious sense of public duty, and he had been led to take that course in consequence of appeals which had been made to him by hon. Members on both sides of the House, who were strongly impressed with the advantages to the community which had resulted from the operation of these Acts. It had been his fortune as a public man to have been officially connected with both the Naval and the Military Services of the country, and he had been a member of the Royal Commission, and of the Committee of that House which had sat in 1869 to in-

quire into this question, and upon those grounds it had been urged upon him that he ought not to shrink from the unpleasant public duty which he was endeavouring to discharge. He had yielded to the appeal, on the understanding that he should only be called upon to act in the event of Her Majesty's Government refusing, as he had hoped they would not have done, to take upon themselves the responsibility of meeting the Motion for the second reading of this Bill by a direct negative. The history of the Acts which it was now sought to repeal commenced in 1864, when, in consequence of the state of the Army and the Navy, a meeting was held, in which the Duke of Somerset, Lord Clarence Paget, Earl de Grey, the then Secretary for War, and other Gentlemen who had held office in connection with these services under previous Governments, including himself, took part, at which it was shown that in consequence of the effects of this dreadful disease a number of men in the Army, equal to between two and three regiments, were rendered unfit for active service. Lord Clarence Paget stated at that meeting that the condition of the great naval stations in the kingdom was such as to demand the immediate attention of the then Government. The meeting consisted of men of both parties, and he had never in his life heard a discussion conducted with a more earnest and honest desire to do that which was right and good for the community. Those who were present at that meeting, which was a very considerable and important one, were perfectly aware that the question had two sides, and that it could only be decided on a balance of considerations. They were fully alive to the moral objections which might be urged against the proposition to put down the evil in question by legislation, and were aware that by taking steps with that view they might be laying themselves open to the imputation that they were seeking to remove one check that then existed upon vicious indulgence. But, notwithstanding these considerations, the meeting arrived at the conclusion that so serious were the physical aspects of the question, that the time had arrived when it was absolutely necessary that there should be some legislation with regard to it. The result of that meeting was the passing of the

Act of 1864, which was accepted by Parliament almost without opposition or even discussion. In 1866, however, it was found that that Act was inadequate to check the evil sought to be got rid of, and accordingly another Act was passed in that year, which made material alterations in the law on this subject. After the passing of the latter Act, a formidable opposition, not in itself extraordinary or unexpected, but which was, in his opinion, short-sighted and one-sided, was originated against these Acts. He fully admitted the truth of the statement of the hon. and learned Gentleman the Member for Cambridge (Mr. W. Fowler) who had moved the second reading of the Bill—that the Acts of which he complained were primarily passed with the view of dealing with the physical portion of the question alone, and without reference to the moral effect which they might have. He, however, wished to remind the House that about the time when this opposition was first commenced, public attention was attracted to the fact that the Acts were producing moral benefits to an extent which had not been foreseen, and which had assumed a most important character. In consequence of the opposition which had been raised against the Acts, Her Majesty's Government thought it desirable that some public inquiry should be made into the manner in which they had operated, and accordingly, in 1868, a Committee of the House of Lords was appointed to inquire into the whole subject. That Committee was followed by a Committee of the House of Commons in 1869, and by a Royal Commission, of which he had himself been a member, in 1870. The Reports of those three enquiries were strongly in favour of the good effects produced by these Acts, which they declared had been productive of most beneficial effects in both a moral and physical point of view, and that of the Committee of the House of Lords even went so far as to suggest, that where localities should desire it, the operation of the Acts should be extended to their districts. For his own part, he regarded these Acts as a blessing to the country. It was true that, supported by about one-third of the Members of the Royal Commission, he had conceived it to be his duty to propose a counter Report to that of the Chairman; but he had done so merely

because he felt that the recommendations of the Chairman's Report were not in accordance with the substance of it. [The right hon. Gentleman then proceeded to read a mass of evidence from the principal ports and military stations, showing the wonderful benefits which had resulted, both morally and physically, from the operation of the Acts.] One most satisfactory result of them was, that young men returning to their homes were no longer assailed by these abandoned women in towns where they were put in force. Those who demanded a repeal of the Acts were bound to show that the evils they had produced were not more than counterbalanced by the good they had done. He challenged any hon. Member to contradict the assertion that the Acts had produced moral effects. Why, if they had done nothing else, they had cleared the camps at Aldershot and the Curragh of these degraded women who used to live in the ditches and under the hedges adjacent to those places, and whose condition was disgraceful to a civilized country. What was the answer of the hon. and learned Gentleman to that? If the Acts had accomplished only that result, they ought to be thankful that such Acts existed. Again, there was the evidence of the matron of the Kildare Lock Hospital to the effect that before the operation of the Acts the inmates of that institution conducted themselves as if they were savages or wild animals caged against their will; but that now cases of disorderly conduct were very rare among them, and he should like to hear the answer of the hon. and learned Member for Cambridge to statements such as that. In addition to those facts, moreover, the statistics published by the police showed that in districts where before the operation of the Acts the prostitutes amounted to hundreds, they now amounted only to units, and there could not be the least reason for doubting that the Acts in those places had put down the horrible system of juvenile prostitution. The evidence given before the Royal Commission as to the unhealthy state of the offspring of infected parents was corroborated by the fact that 80 or 90 of the most eminent medical men in the metropolis had presented a memorial to the Home Secretary, earnestly urging that nothing should be

done to weaken the beneficial operation of the Acts. Last year 150 Members of the House—half of them being Conservatives and half of them Liberals, as nearly as possible, and the number might have been nearly double if longer Notice had been given—went as a deputation to the Home Secretary to present two memorials—one from nearly 300 medical practitioners within the districts operated on by the Acts, and the other from upwards of 2,000 medical men in all parts of England—against a repeal of the Acts. In the Army stations which had been placed under the Acts there had been a diminution of the more serious disease to the amount of fully one half. He had seen a remonstrance against the Acts which purported to be signed by 1,500 of the clergy, but, while he felt great respect for the names, he was sorry to be obliged to add that he felt a minimum of respect for their remonstrance, for he thought those gentlemen were taking a very one-sided view of a subject which they did not understand, because, while the Paper professed to deal with the whole subject, it contained no reference whatever to its physical aspect. The hon. and learned Gentleman opposite had mainly rested his case upon the erroneous statistics, as he asserted, of Devonport, which were presented to the Royal Commission. He (Sir John Pakington) would assume, for the moment, that the hon. and learned Member was correct in his supposition with regard to Devonport statistics, but that would only be striking out one from many proofs, and the facts which he had mentioned as to the operation of the Acts at Aldershot and other places would remain undisturbed. But for the sake of the police, he hoped the right hon. Gentleman the Secretary of State for the Home Department would cause inquiry to be made whether their Returns as to Devonport were trustworthy. It was very wrong, and on all accounts most undesirable, that the officers of the police force should be subject to such imputations as had been heaped upon them, if they were undeserved. In conclusion, he would implore the Government and the House, in the interests of morality, of public health, of reason, and of truth, to support his Amendment that the Bill be read a second time that day six months.

Mr. J. D. LEWIS\*: Mr. Speaker, the right hon. Gentleman who has just addressed the House (Sir John Pakington) has informed you that he has done so with considerable pain. I can assure you that feeling is fully shared by myself on the present occasion. But I am sure of the indulgence of the House when I inform them that I have the honour to represent the borough of Devonport, the first, or almost the first, borough which put in force the Contagious Diseases Acts in their present form. We know something of the subject by experience. We are not reduced to gather our information from the pages of *Shields*, or other sensational publications which in times past, coming from Heaven knows where, have alighted upon, but certainly not adorned, our breakfast tables. I may further say that whatever effect, good or bad, may follow from the passing of my hon. Friend's Bill will be felt mainly by us the inhabitants of Devonport, Portsmouth, Winchester, and other places, who, although willing, and indeed anxious, that important changes and amendments should be made in the present law, are yet not as a rule—subject I must admit to some exceptions—desirous that they should be altogether rescinded. Speaking, Sir, for myself, I may say that I think it would be a much smaller calamity for the borough which I have the honour to represent to be disfranchised than that it should be deprived of the advantages which have been conferred upon it by these much misunderstood and maligned Contagious Diseases Acts. Sir, I will not trouble the House with what may be called the earlier statistics on the subject. They are contained in a well-known Blue Book, and I suppose, to use an expression sometimes heard at railway and other meetings, they may be “taken as read.” But I should wish to say a word as to the proceedings of the Commission and the sort of evidence which was produced before it. When we, Sir, in the towns that are subject to these Acts first heard that our case was to be submitted to a Royal Commission, we were, I think, perfectly ready to abide by the decision of such a tribunal, because we felt quite sure that we should be able to produce evidence which would be found a justification of these Acts. And I appeal to anybody who has read the Report of the Commission whether

our anticipations were not fully justified by the result—whether, in short, the Report of that Commission did not contain an elaborate and exhaustive reply to all the objections that had been raised against the Acts, ending in this lame and impotent conclusion that in one important particular a sacrifice should be made to public clamour. I have carefully gone over the evidence produced before the Commission, and I find that some 83 witnesses were examined before it, of whom about 51 were favourable to the Acts. Of course it will be said—it has been said—that they were persons interested in their maintenance, I do not see that this position can be fairly maintained. Supposing these Acts were repealed to-morrow, you must still have lock hospitals, and military and naval surgeons and consulting surgeons and matrons, and the Metropolitan Police employed under these Acts would be told off to other and more congenial duties. But more than this, you had before the Commission a number of witnesses who cannot in any sense be represented as interested in the maintenance of these Acts. You had magistrates and magistrates' clerks, clergymen of the Established Church, Dissenting ministers, and what is more, chemists and undertakers, who had to deplore the falling off in their businesses, to which they were ready to testify. What was the character of the evidence produced on the other side? They had some great *a priori* reasoners, if the term “reasoner” can be applied to such a lady as Mrs. Butler. They had a great philosopher, whose memory I hold in as much respect as any Member of this House, but who, it seems to me, was occasionally inclined to express strong opinions on social and political questions which he had not maturely considered—I mean Mr. John Stuart Mill. Let me give a specimen or two of the evidence of these kinds of witnesses—

“Mr. Mill has no practical knowledge of the working of the Contagious Diseases Acts. He cannot tell, from experience, whether they have actually done moral harm, but it seems to him their natural effect was to do harm. He does not know whether they have done any physical good or no. He is unacquainted with the details.”

Mrs. Butler opposes them on high moral and constitutional grounds. I presume she is referring to the Constitution of

England, and not to the constitution of Englishmen and Englishwomen—

"I do not believe," she says, "there is on this earth a supporter of these Acts who dares, in the privacy of his chamber, to entreat our God, who is of purer eyes than to behold this iniquity, for the continuance and extension of these Acts."

It would be difficult to find a stronger specimen of that kind of bigotry which consists in imputing to one's adversaries, not only views that are wrong, but views which they themselves are supposed to know to be wrong. Another witness, who bears, I am sorry to say, the not uncommon name of Lewis, but who is not, I can assure the House, in any way connected with me—for, in these days of woman's-right agitations, it is sometimes necessary for sane people to disown such connections as these—"is satisfied that the Acts are wicked from merely looking at her Bible." Dr. Taylor, of Nottingham, considers it "a violation of the liberty of the subject to restrict a prostitute in the practice of her calling when she is in a state of disease." Sir, I did not enjoy the honour of a seat on the Commission, and I remarked at the time, with some surprise, that no Dockyard Member was put upon it, or I should have asked that witness—"Should you consider that to confine a person suffering under *delirium tremens*—as clearly a punishment for one sin as venereal disease is for another—and brandishing a sword in the streets, was a violation of the liberty of the subject?" I suppose the reply would be no, because in that case the lives and limbs of innocent passers by would be in danger. But, Sir, a diseased prostitute endangers the health, not only of passers by—who, it may certainly be said, are not innocent—but of unborn generations, who, it must be admitted, come under that designation. There are two grounds of objection which are commonly urged to the Contagious Diseases Acts. In the first place, it is said by some that they do not diminish disease. Indeed, in a paper which has been extensively circulated by Mrs. Butler about the towns of this country, I find it actually asserted that they increase disease. The paper states that these Acts "promote immorality and increase disease." I do not understand that my hon. Friend goes so far as that, but I understand him at any rate to throw some degree

of doubt on statistics which would tend to show that disease is diminished. The other objection is that even although they do or at any rate may diminish disease, the evils which they are calculated to palliate are replaced by other moral evils of a still worse description. I have promised that I will not trouble the House with what may be called the earlier statistics on this subject; but I cannot help, in passing, reminding the House of a few startling facts which illustrate the state of our forces in the year 1864, just previous to the introduction of this legislation. You have heard from the right hon. Gentleman opposite (Sir John Pakington) that the loss to the British Army from venereal disease amounted to the loss of two and a-half regiments annually. It may be illustrated further in this way—it amounted to the loss of the entire force for one week, and the admissions to hospital for venereal disease were 290 per 1,000. In the Navy the perpetual loss to the service amounted to 460 men; or in other words, to cutting off one entire iron-clad from the British Fleet. To illustrate this state of things in the merchant service, I may add that from the years 1864 to 1868, of the patients admitted to the *Dreadnought* floating ship, one in every three suffered from venereal disease. Now it may be interesting to know what at that very time was the state of an Army which has since overrun a considerable portion of Europe, and which may boast that it is the Army of the most highly civilized Continental power. I allude to the Prussian Army. Before the Medical Committee which sat just before the passing of these Acts, and whose recommendations were one of the principal causes of this legislation, about which I now speak, Mr. Cutler, the eminent surgeon, gave the following evidence:—

"A friend of mine went to visit a camp in Prussia last year (1864). The Prince told one of his aide-de-camps to go with my friend and show him the hospital, in order that he might see the treatment of persons there. There was a camp of 20,000 men. My friend was not a medical man, but he told me that the aide-de-camp took him just over the borders of the camp, where there were six little cottages, in which there were about six or seven men and three or four women. The officer told him that was all the venereal disease they had in that camp, and every man had orders as soon as he had any appearance of a sore, to appear before the medical officer."

Now, in 1864, to put the matter in another way, the average number constantly ill from venereal disease in the British Army was 19·11 per 1,000. This will be found in the Report of the Commission, page 815, and the average on 20,000 men would have been just 380. The diminution which has taken place in disease in the British Army, viewed as a whole, has been conclusively shown by the right hon. Baronet, and I will, therefore, now only remind you that, for the worse form of malady—syphilis—the annual average disease in protected districts is only 53 for 1,000. But, Sir, since the general statistics on this subject have been so ably placed before you by the right hon. Gentleman, I would prefer to confine myself to salient facts deduced from the borough which I have the honour to represent. The hon. Gentleman who has introduced this Bill has taken great exception to the statistics which have been produced with regard to the great number of prostitutes in the three towns, and the diminution that has taken place. I am not altogether prepared in this place to uphold those statistics, for I think it possible that both with regard to the number of prostitutes and the number of brothels some error may have slipped into the calculation. I would prefer to say on that part of the subject that most unquestionably the number of prostitutes and the number of brothels have very considerably decreased. I will quote a passage from the Report of a society in no way connected with the administration of the Contagious Diseases Acts, and which to the best of my belief contains some who are even opposed to these Acts, and which, moreover, illustrates another point of importance connected with this discussion. The last annual Report of the Plymouth Female Home—the Report for 1872—contains the following passage:—

“Notwithstanding the well known diversity of opinion which exists with respect to certain recent Acts of Parliament, which need not further be specified, one fact is sufficiently obvious that the number of fallen women in this town has of late most perceptibly diminished. It is impossible not to trace here the operation of these Acts. Another circumstance equally observable is that a large proportion of those who seek shelter in the Home come thither from the Royal Albert Hospital, Devonport, of which institution they have been for a longer or shorter period involuntary inmates.”

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Well, Sir, now, to trouble the House with a few statistics on another branch of the subject, on which, I venture to say, there can have been no mistake. In 1864, the average admissions for the more important disease—venereal syphilis—was at Devonport 110 per 1,000. My hon. Friend has taken exception to the classification adopted relating to these diseases, but he will allow me to tell him that the term “more important disease” may most fairly be justified. There are, as the House knows, two classes of this sad malady—one comparatively unimportant, and the other of a far more serious nature, and of a character to be transmitted to posterity. Well, Sir, I employed a part of my Easter vacation in a most disagreeable manner—if one has a right to call anything disagreeable which is done in the discharge of a most solemn duty. I paid a visit to Devonport with a view of obtaining the last and most accurate information on the working of these Acts. I called for the last Return. It is an official Return of the working of the Contagious Diseases Acts in the port. I wanted to know what had been the state of things during the past week—a week which I may say was taken entirely at hazard. I found that for the week ending April 5, 1873, out of a number of men, seamen, and marines, amounting to 7,638, there had been two cases of the more important venereal disease sent to hospital, only one of which was contracted in port. That is at the rate of 104 in a year. You will judge of the difference between the 104 cases from among 7,638 men, and 110 cases in 1,000 men. In point of fact, I believe that the last annual ratio per 1,000 men at Devonport was 36, and excluding 43 cases contracted out of the port, I believe that it only amounted to 20 per 1,000. I will give a further illustration of the effect of these Acts in the three towns. In 1865 the first 200 women examined were all found diseased. The average now—not to trouble the House with decimals or minute statistics—is about 1 in 10. I was anxious to get a further illustration of the effect of these Acts, and I found that in the Plymouth, Devonport, and Stonehouse workhouse in the two years ending 1864, the admissions of venereal disease of all kinds amounted to 471, and that of the two years ending 1872, they amounted to

only 22. Similarly in the prisons there has been a decrease of two thirds. At Dartmouth, as the right hon. Gentleman opposite (Sir John Pakington) has told you, in 1870, when the Acts were first put into operation, of eight women examined six were found diseased; now there are only three prostitutes in the town, and there has not been one case of venereal disease for the last 18 months. Now, Sir, I do not know what my hon. Friend says to all this; but I must just notice here, even although not strictly in place, a most extraordinary argument which he gave utterance to in the course of his able address. He said, granting that the Acts did considerable good in certain localities, it is quite clear that you cannot extend them generally, and therefore you ought not to keep them up locally. It seems to me, Sir, that is a complete *non sequitur*, and that if we can show that they have done considerable good in certain localities, that is an argument for keeping them up there, at any rate; even though public feeling may not admit of their being more generally extended. As I have been speaking of the effect of the Acts, it is important that I should notice an important objection that has been raised, and which will be found contained in the protest of the four dissenting Commissioners specified in the Report of the Royal Commission. They say—

“We are of opinion that in considering the effects of the Acts on the Army and Navy, it is most important to observe that for several years prior to 1865 the prevalence of venereal disease had been materially diminished; in fact, that the proportionate decrease had been greater between 1860 and 1865 than it has been during the subsequent five years.”

My calculations, and I have made them carefully, certainly do not bear out this statement, more particularly with regard to the Navy. I will not trouble the House with them, but will point to the experience since 1870, the time at which the Royal Commission sat, as being most certainly conclusive against this theory. You have just heard from the right hon. Baronet the Member for Droitwich, that in the unprotected districts, the ratio per 1,000 of syphilitic cases has risen from 99 in 1865 to 123 in 1872, while in the protected districts it has sunk from 120 in 1865 to 53 in 1872, and there are piles of other statistics which I will not stop to quote, which tell us a similar tale. Thus in Plymouth, of 92 women

placed for the first time on the register during the past year who came from unprotected districts, 72 were found diseased on their first medical examination; and of 46 placed on the register who had previously lived in protected districts, five only were found to be diseased. At Aldershot 132 women were examined for the first time from unprotected districts, 107 were diseased; 128 were examined from protected districts, 33 found diseased. At Shorncliffe 18 were examined from unprotected districts, 12 were diseased; 33 were examined from protected districts, 8 were diseased. I may add that as soon as the Contagious Diseases Acts were put in force at Winchester 43 per cent of the women were found to be diseased, which was four times the proportion at Devonport. No wonder that, although wherever the Acts are put in force there is a partial opposition to them at first, the inhabitants soon become favourable to them. I am informed, that at Canterbury, the Mayor, who was at first strongly opposed to these Acts, has now become one of their warmest supporters. Similarly, at Southampton, where considerable opposition was manifested, the greater part of the magistrates have entirely changed their opinion. Perhaps I may be permitted to mention as a reason which accounts for this change, that a friend of mine well acquainted with Southampton in earlier life, recently visited that town, and he informed me that he could not account for the remarkable change which had come over its aspect; that the prostitutes whom he remembered in earlier life infesting the streets and molesting the passers-by, with their solicitations, had now disappeared from the stage, and when I informed him of what he did not know before, that the Contagious Diseases Acts were now in force in that borough, he exclaimed—“Ah, that accounts for the change for the better, which has come over its aspect.” Now, Sir, I should be content to rest the case of these Acts on the immense diminution of disease which has unquestionably taken place. Some persons are inclined to make light of this disease in what I have called its more important form. But what really is the character of syphilis? The right hon. Baronet has read you a passage from one of the most eminent of living surgeons, Mr. Paget, and volumes of



such passages could be read. I will content myself with citing one—merely one—because it is from the pen of a very eminent man, who was recently, and may, for ought I know, still be the President of the Society for procuring the repeal of these Acts, Dr. Chapman, the editor of *The Westminster Review*. I presume my hon. Friend will be willing to accept his testimony. This is what Dr. Chapman wrote in *The Westminster Review* for July, 1869—

“Its ravages are ceaseless. It counts a greater number of victims than all those added together, who, from time to time, have fallen sacrifices to scourges which have swept over and filled mankind with dread. It pervades every rank of society. Its traces may be discovered in almost every family.”

Some extraordinary information to this effect will be found in the evidence produced before the Committee of Surgeons to which I think I have referred. Dr. Farre, of King's College Hospital, testifies to commonly seeing six cases of children affected with syphilitic taint of a morning, sometimes 12, never less than one. Mr. Hutchinsonson says that one case in every five of opthalmia is due to syphilis, and similar testimony was given in relation to skin and other diseases. Mr. Berkeley Hill, before the Royal Commission, referred to a Paper containing an account of the offspring of 106 syphilitic women. Seventeen infants were prematurely born, 11 died of hereditary syphilis; of 14 others born living, four lived for three months; while of 41 others the average life was 26 days. These are terrible facts, illustrative of the frightful character of this disease, and which mere off-hand assertions of philosophers like Mr. Herbert Spencer, who do not enter into details, are quite unable to contradict. Well, Sir, but I must now say a word or two about the moral effects of these Acts. My hon. Friend, in the course of his speech, stated that nothing whatever was done for these women unless they were diseased; that they were kept in hospital until cured, and were then turned adrift to minister to the lusts of lascivious soldiers and sailors. Now, Sir, that is a complete misapprehension. During my recent visit to Devonport, I carefully went into all the mode of procedure at the Albert Hospital, and I learnt from the excellent matron, that after a woman was cured, if she mani-

festated the slightest inclination to abandon her vicious course of life, she was kept in the hospital till a place was found for her in one of six homes, not immediately connected with the hospital, but which received patients from it. I asked the matron whether there was any difficulty on the part of the women in obtaining employment from these homes, and was informed that not only was there no difficulty, but that the applications for them in the capacity of domestic servants greatly exceeded the supply. My hon. Friend alluded to some of these reformed women who subsequently got married; and he rather gratuitously, I think, asserted—for he furnished not a shadow of proof in support of his assertion—that the great proportion of them resumed their abandoned life. I suppose he will say that the women so received into these homes merely come in at one door to go out at another, and that the whole proceeding is a complete sham. The records of these institutions show that the average stay of each woman amounts to something like 130 days, or, in other words, it is five months, sufficiently showing that there is here no mere pretence at reformation. Well, Sir, more than that, I learnt from the matron that if any woman who had been once admitted to the hospital, “rang at the bell,” to use her own words, as late as 12 at night, and intimated a desire to become an inmate, even although not diseased, she was taken in, and kept till she was similarly handed over to one of these asylums. Again, my hon. Friend alluded to young girls, who had, perhaps, only made their first step in a career of vice, and who were put into these hospitals and herded with common prostitutes of long standing, just as, I think he said, young pick-pockets might be turned into a pen of confirmed burglars or other malefactors, and what process of reformation, he asked, could be expected to have effect under similar circumstances? This, again, Sir, is a complete misapprehension of the facts of the case. Young girls are carefully placed apart in a ward by themselves, and are constantly visited by the excellent chaplain, who is incessant in his efforts to divert them from the path on which they have entered. I may remark on this matter that the number of young girls—that is to say the number of girls under 17 has decreased from 205 in

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1865 to 1 at the present time. Well may the learned Attorney General have said when speaking recently in this House on the Seduction Bill of the hon. Member for Salford (Mr. Charley)—

“That these Acts had, at any rate, had one effect. They had absolutely stamped out juvenile prostitution in the towns in which they were enforced.”

My hon. Friend has told us also of the voluntary system, and has intimated that all the beneficial effects that we claim for this legislation might be equally produced by that system. Well, let me tell you that we tried for some time the voluntary system, and we found as the result that 25 per cent left physically, and, of course, morally uncured, and similar results were testified to before the Commission as having taken place at Portsmouth. Whenever a fresh regiment comes into a town, whenever a ship comes into port, out go these women in large shoals, and very often you cannot get them into the voluntary asylums until they are in the last stage of disease. Just let me quote to the House a short passage from *The Lancet* newspaper, which illustrates the working of the voluntary system—

“In January, 1871, in 79 women examined at Dover, three cases of syphilis and two cases of gonorrhoea were found, but in consequence of an outbreak of scarlet fever in the house where the examinations were conducted, they were suspended between March 14th and April 15th. On the resumption of periodical examination, of 80 women 15 cases of syphilis were detected and sent to the hospital. It would be difficult to bring forward stronger proof of the value of these inspections, and of the hopelessness of staying the spread of venereal disease without them, for during this month of interruption any woman who had desired to go to the hospital would have been dispatched thither by the authorities on her own application; but, contrary to what is asserted by the opponents of the Acts, these 15 syphilitic women preferred to roam at large until compelled by the law to undergo seclusion and treatment.”

Well, Sir, my hon. Friend has again urged a point which has been frequently raised out-of-doors against these Acts, that they increase clandestine prostitution. I maintain, on the contrary, that they tend not inconsiderably to diminish it. In a Paper read by Dr. Acton, who has made prostitution a special subject of study, before the Social Science Congress at Plymouth, I find the following passages. He goes on to contrast the state of morality at Birmingham and

Manchester with that which prevails in other towns that have been for some time under the influence of the Contagious Diseases Acts. He cited the Royal borough of Windsor—I see my hon. Friend the Member for Windsor (Mr. Eykyn) below me, and he will be able to say how far Dr. Acton's statements are justified by facts within his own knowledge—where formerly the seductions of maid servants and shop girls were the two main sources from which prostitutes were recruited before the Acts were in force. The girls, after business was over or household work ceased, used to ask leave to go out on pleas of every kind. Seduction, and its inevitable consequence, coming on the streets, were sure to follow. A medical officer lately informed him that out of 32 women now registered, there are only two Windsor girls on the list, and he was told by tradesmen that since the introduction of the Act, they can keep their servants virtuous, as the girls have a wholesome dread of misconducting themselves. Let me, by the way, if I am not troubling the House, say one word as to the state of morality in the Northern towns to which Dr. Acton alludes, and with which he contrasts the state of things in protected districts. Dr. Acton refers to the brothels of a superior class which are to be found in our great Northern towns, such as Birmingham and Manchester. He speaks of one in Manchester where there are pianos in every room, and the inmates are women of education, the landlady and the girls forming a sort of co-operative Society, in which the profits are shared between them. Dr. Acton stated that these *filles de joie* agreed with Mr. Jacob Bright that the introduction of these Acts into Birmingham or Manchester would be highly demoralizing to their own feelings, and that their influential supporters, including Members of Parliament, would resent as an injustice the violation of their persons, for, as at present advised, no Government interference could make their private medical attendance more perfect, as was attested by their freedom from disease, and their health was well looked after by the landladies. Now, Sir, such institutions as these have been utterly suppressed in towns subject to these Acts. While speaking of these effects, I must further notice that 142 girls at Devonport, from 14 to 25 years of age, have

been rescued from prostitution without being inspected or placed on the register, and the police are furnished with the names, places, and abodes of these women, so that there is no mistake whatever about the matter. Similarly, young girls from Cornwall used to come up very frequently to the three towns with a view to practising prostitution, and have been deterred by the stringent effects of this legislation. Sir, there are other objections which I have not time now to enter upon; but there is one point of the highest importance which I think it necessary to refer to, as there is no point in connection with these much abused Acts, which has rendered them liable to greater misinterpretation, especially in the Northern towns of this country. The excessive power which is vested in the police is constantly thrown in the teeth of their supporters, and has been reproduced as a phantom, to warn the House, by the hon. Gentleman in his speech this day. It is believed, I understand, in the North of England that these Acts render any respectable woman walking in the streets liable to be pounced upon by the police—that she may be taken up and borne off to some dismal place of torture amidst the jeers, or it may be the sympathies, of an excited multitude—just as we read that in the days of the French Revolution people were suddenly seized and hurried off to execution at the nearest lamp-post. Indeed, I find as much as this affirmed in a paper which Mrs. Butler has extensively circulated in our large towns. These Acts, as Mrs. Butler in one of her circulars states, endanger the liberties and honour of respectable females. In another circular, it is said that the rich man can protect his wife and daughters. “Yours, as they go to their daily work will be at the mercy of a policeman in plain clothes.” Now, Sir, in my constituency I have between 2,000 and 3,000 working men whose employment keeps them nearly the whole day from home, in the dockyard and steam factory, with the exception of one hour or one hour and a-half for dinner, and their wives, who go about making purchases for them, would be particularly exposed to annoyance of this kind. I have never, during the five years I have represented the borough, heard of one single complaint on this head. In another circular, it is said—

“Fancy, dear, you to be tapped on the shoulder by a policeman, and examined to see if you are in a healthy state; the law gives power to stop anyone, however seemingly respectable. Is it not infamous?”

Sir, I say it is infamous that such malignant untruths should be scattered broadcast over the land. Now, what are the facts of the case? The Acts are administered by a body of Metropolitan Police specially told off for this duty; they are in all cases men of proved character, and I believe they are also required to be married men. A policeman is required to give notice to his Inspector before any woman can be proceeded against, and he must not give such notice until he is in a condition to swear in a Court of Justice that she is a common prostitute. The Inspector is then himself required to investigate the case, and if he is satisfied he gives notice to the woman. In case of voluntary submission on the part of a woman, the law is most carefully read over and explained to her by the Inspector—for no ordinary policeman has the power. She is then accompanied by a nurse to the Attendant Surgeon, who is himself required—and on this point I have thoroughly satisfied myself—to investigate the case before he proceeds to examine her. I have spoken of a case of voluntary submission, but what is the case with a woman who denies being a prostitute? What is the mode of proceeding? The policeman gives notice to his Inspector, the Inspector investigates the case, and gives the woman notice, and she denies, as I will suppose, being a prostitute. Well, what has the Inspector then to do? He must report to his Superintendent, and the Superintendent is again compelled to investigate the case, and if she still denies the fact, he must report to headquarters, which I take to mean Scotland Yard; and, again, it is investigated at headquarters, and if after having passed through these various stages, the charge is held by those in authority to be fully proved, they are empowered to apply to a Justice, who may, if he thinks fit—for mark, in cases of this kind it is not compulsory—issue a summons to the woman. She is not compelled to attend in person; she may, if she thinks fit, appear through a friend or through an attorney, and I believe that the investigation may, if she so wishes it, take place with closed doors, so that her name never comes out,

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and I understand the Justices at Devonport have occasionally held such investigations in private. Well, Sir, I know that the conduct of "the Great Unpaid" has frequently formed the subject of strong animadversion; it is said they frequently make mistakes—but I ask is it likely that the most careless among them would make a mistake in such a case as this, an error of which it is certain he would never hear the end to his dying day, and which would certainly come to form a subject of debate in this House? Some days ago we heard that an hon. Member of this House actually employed some sort of agent, whom he commissioned to go down into Shropshire to inquire into the conduct of the Justices there in reference to some trumpery case. I, Sir, have the honour to be a magistrate in a district included under these Acts, and if such a case was pending before me, I can only say that, whenever I took a walk about the somewhat lonely promontory on which my house is situated, just as the Roman poet describes the ancient traveller, who sees in the moving of every bush in the night wind the person of a footpad or an assassin, so I, Sir, in every suspicious-looking personage who crossed my path, should fancy I beheld an emissary of my hon. Friend the Member for Leicester. Let me, before I conclude, say that it never has been proved that any respectable woman has been interfered with. Oh, yes, I beg to correct myself. There was a case at Portsmouth, where a woman was found late at night drinking in a public-house, consorting with prostitutes, and chaffing the police. She was summoned to undergo an examination, which, after all, on inquiry, she was not compelled to submit to. Sir, in conclusion, let me assure the House that the agitation on this subject is slowly, but surely dying out. It was always loudest, or perhaps I should rather say, shrillest in proportion to the distance of the persons who raised it, and the localities where they lived, from the places where the Acts were practically known and appreciated. It was never greater than that which was raised against vaccination on its first introduction by old women of both sexes. But the House of Commons of that day stood firm, and I trust that the House of Commons of this day will stand equally firm, and not proceed to decree the unrestricted circu-

lation of venereal poison to the detriment of posterity, whose curses we should incur, and, what is worse, we should merit. I trust there will be no successful effort made to tamper with these Acts, which in localities where they have been in force have done more in a few short years to alleviate one of the most frightful scourges which can afflict humanity, to improve the condition of the towns, to eradicate juvenile prostitution, to bring to bear a moral influence on the unfortunate women who are subject to them, than all the voluntary efforts of all the philanthropists who have ever existed. Sir, I thank the House for the kind indulgence which it has extended to me while undertaking this most painful subject. I beg to second the proposition of the right hon. Baronet the Member for Droitwich, that this Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir John Pakington.*)

COLONEL EGERTON LEIGH, in supporting the Amendment, said, he could not help expressing his strong approval of these Acts, which were now on their trial. He trusted that an overwhelming majority would show that it was the general opinion of the House and the country likewise. He thought that the Petitions which had been sent out in favour of their repeal were signed by women who knew nothing of that to which they had appended their names. He was strongly in favour of their continuance, and hoped he should be right if he congratulated the House on the fact that it was possible that was its last discussion on the subject. If so, it would be nothing but right, for there should be an end put to such topics previous to the admission of female Members of Parliament.

MR. MUNDELLA: Sir, I should have been glad if I could have given a silent vote, partly on account of the nature of the question, and partly because I am suffering physically. But seeing that the right hon. Baronet opposite the Member for Droitwich (*Sir John Pakington*) has appealed to some one who took an opposite view to himself to meet his arguments, if they could be met, I trust the House will allow me

to perform some part of the difficult task of answering some of the statements which the right hon. Baronet and the hon. Member for Devonport (Mr. J. D. Lewis) have put forward. My interest in the question arose from the fact that I was one of those unfortunate Members who were selected by the right hon. Gentleman the Secretary of State for the Home Department to sit upon the Royal Commission, which investigated this subject; but, in listening to the speech of the right hon. Baronet, I almost questioned whether I had served upon that Commission. In common with other Members of the Commission, I was so startled by the views the right hon. Baronet expressed on our behalf, that I almost wondered whether I could have taken part in that important investigation. I was afraid, from conversations I have had with hon. Members of the House on the subject, that not one in ten of them have read the evidence contained in the enormous Blue Book; and my impression is that many of those who are in favour of the Contagious Diseases Acts have been unwilling to read the evidence on the other side. The right hon. Baronet complained that the duty of addressing the House upon the question had been imposed upon him; but those who take the other side of the question have the most right to complain, for this legislation originated almost entirely with the right hon. Baronet. Indeed, the first Bill introduced on the subject was a private Member's Bill, bearing the names of Sir John Pakington and Lord Clarence Paget. The right hon. Baronet said that, in the year 1864, the physical condition of the Army and Navy was so dreadfully bad that it was needful to call together a number of gentlemen to consider what could be done to meet the outrageous circumstances of the case; and one would suppose that physical disease in those Services had been steadily growing worse and worse until in 1864 it culminated in the highest rate of increase that had ever been known. Now, the House will be surprised to know that for years before 1864 disease both in the Army and Navy had been steadily and regularly decreasing, and it is still, from causes apart from these Acts, on the decrease. I do not deny that medical science has done, and will do, much much, to reduce these diseases; but the

reduction is not wholly due to the Contagious Diseases Act, as is proved by the statistics of Dr. Balfour, the chief of the Medical Staff of the Army. Dr. Balfour gives us the following number of cases admitted to hospitals in Devonport, Plymouth, Portsmouth, Chatham, Sheerness, Woolwich, and Aldershot:—2,433 in 1860, 2,368 in 1861, 2,040 in 1862, 1,863 in 1863, 1,729 in 1864, 1,720 in 1865, 1,673 in 1866, 1,698 in 1867, and 1,628 in 1868. When I became a Member of the Commission, I resolved that whatever conclusion the evidence led me to I would boldly and publicly avow it, whether that avowal pleased my constituents or not; but the conclusion at which I arrived was the very opposite of that drawn by the right hon. Baronet. Nor was I alone in that. There were 25 Members originally of the Commission, and fully one-third of the number, distinguished gentlemen connected with the medical profession and the Church, were members of the Society for the Extension of the Acts to the civil population. Two of the Members could not serve; but I believe that out of the remainder only one was a pronounced opponent of the Acts, and that was the hon. Member for Warrington (Mr. Rylands). I attended nearly every sitting of the Commission, and as our inquiry progressed the fact began to dawn upon us not that voluntary hospitals could not be maintained, nor reclamation be carried on, but that a great deal more might be done by hospitals and by reclamations, and that what had been done at military and naval stations in those respects might be extended to the whole of the nation. These conclusions, however, the right hon. Baronet has cunningly mixed up with compulsory examination and the legalization of vice, and has made out that all the good we looked for from hospital accommodation and voluntary reclamation would result from police administration upon this question. I did not belong to any organization or society connected with this question, but the late Mr. Charles Buxton, one of the vice-Presidents of the Society for the Extension of these Acts, the Rev. F. D. Morris, and Dr. Holmes Coutt, one of the first practitioners in the world with respect to these diseases, all came to the conclusion that the Contagious Diseases Acts were no longer tenable as they stood. The extremely

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able manner in which the right hon. Baronet has advocated his cause fills me with admiration. No one, I am sure, could have surpassed him in the wonderful manner in which he has manipulated the few facts at his command. I shall ever remember his performance of this afternoon with amazement. The right hon. Baronet said that the Commissioners came to a lame and impotent conclusion; but the reason of this is that the right hon. Baronet and six Friends who joined him were anxious that the Commission should agree upon a recommendation in which they would be unanimous. For my part, I much regret having signed the weak and contradictory Report of the Commission. The first recommendation was that the periodical examinations of women should be discontinued. Twenty-three members of the Commission signed that, the name of the right hon. Baronet being the first. Why does the right hon. Baronet now support the view of seven members of the Commission, and pass by the recommendation of the 23? One of the most important witnesses before the Commission was Miss Lucy Bull, who had been matron of the Devonport Hospital since 1863. She showed that women were much more hardened since the passing of these Acts, the scenes in the street worse, and the scene outside the examination-room such as ought not to be tolerated in a Christian land. She told us of men driving the women up to the examining-houses and waiting for them to return for the purposes of fornication. ["Oh!"] It is impossible to discuss this question without referring to abominable details. I am disgusted with the literature the agitation against the Acts brings to our houses. Well, all the witnesses insisted that the keystone of our system is periodical examination, yet the Royal Commission recommends it to be done away with. Some of the chaplains who were examined approved the Acts because they bring these women for the first time under their influence; but it was surely not necessary to that end to examine, as some of the surgeons said they had, some 60 women a-day, only to find no cause for their detention, and then to send them about their business to carry on their fearful trade. The Commissioners recommended also that women after examination should be ad-

mitted to a certified hospital, which was, in fact, recommending that voluntary hospitals should be established throughout the country, and should be open for these women to enter. The 7th recommendation was that every keeper of a public-house or common lodging-house harbouring bad characters should be deprived of his licence, and the 10th recommendation was to amend the Act 24 & 25 *Vict. c. 100*, by extending from 12 to 14 the age at which seduction was a criminal offence. It was found that the most fruitful source of vice was among very young girls trained up in such a state of degradation, filth, and misery that they glided almost unconcernedly into evil courses. It was found even that parents prostituted their own children of tender years. Another recommendation was that girls under 16 leading an immoral life should be sent to a Home or industrial school for a period not exceeding two years, if they could not be otherwise provided for to the satisfaction of a magistrate; and this it has been shown would have the effect of sweeping thousands from the streets, and putting them in a way to become decent members of society. It is not, therefore, fair to assume that those who take an opposite view to the right hon. Baronet were unwilling to do all in their power to reclaim these poor creatures, and to reduce the extent of disease. The right hon. Baronet admits that public opinion is not ready to permit the extension of these Acts to every town in England; but if it were ready, all the forces of the country would not be able to carry them out in the great industrial centres. What is going to be done in the case of the 16 new military centres? Are the Acts to be extended to them? You dare not extend the Acts to them. And why not? Because those centres are in great manufacturing districts, where it would be impossible to enforce them. It would be impossible in towns where there was a large population of women to put a hand upon any woman seen talking to, or laughing with, a man in the street, and ask her to make voluntary submission. ["Oh, oh!" and "Hear, hear!"] Well, that is the course now. ["No!" and "Hear!"] One of the best witnesses before the Commission was Mr. Phillips, who had been 14 years in the Metropolitan Police Force. He stated that in-

formation as to the character of women was obtained from various sources, and he had plenty of cause to believe that women were falsely accused. This witness was so distressed with what he saw that he returned to duty as a police constable, sacrificing 7s. a-week rather than continue to discharge the disagreeable duties imposed upon him. Captain Gore Jones, one of the Inspectors of Dockyards, attributed the diminution of disease in the Navy to the better administration, under which men were paid off promptly and sent home at once, stating that from that cause alone there was a reduction of one-half in the number of cases. The same thing holds true with respect to the administration of the Army. Soldiers are much better conducted than formerly, because they are much better cared for and much cleaner in their habits. Professor Huxley, one of the best hands at analysis in this country declared, after an examination of the statistics to which the right hon. Baronet has referred, they were utterly unreliable and valueless; surely the right hon. Baronet will not dispute that statement by Professor Huxley, and I may remind him that he did not secure Professor Huxley's signature to his protest. Two of the medical men on the Commission protested against the Acts altogether, from 1864 downwards. The terrible pictures that have been drawn of the prevalence of disease have been scandalously overdrawn. I brought in a Factory Bill last year, and two able men, who had served on the Contagious Diseases Commission, were appointed to inquire into the actual condition of factory children throughout the United Kingdom. They examined no fewer than 10,000, and reported an almost entire absence of diathetic diseases—scrofula, rickets, and syphilis. Am I entitled to draw any conclusion from this, that the children are not suffering from the evil courses of their parents? There are 240,000 people in Sheffield. I wish the right hon. Baronet could look at the width and weight of the men I represent. The right hon. Baronet has charged some of us who oppose these Acts with ignorance. I may tell him that between 1,000 and 2,000 medical men, comprising some of the ablest practitioners in England, have petitioned against the continuance of the periodical examinations, and though, with respect

to the 1,500 or 2,000 clergymen who have taken the same course, the right hon. Baronet may think well of their hearts and but little of their judgment, it cannot be disputed that they know something about morals if they do not understand physic. A good deal has been said by the hon. Member for Devonport in regard to the evidence of Inspector Anniss; but that witness has been contradicted in almost every particular. He has been contradicted point blank; in fact, the witnesses said as plainly as possible—"Annis is a liar;" and if the right hon. Baronet says those statistics ought to be proved, I agree with him. Let them be proved. Let a Committee be appointed to investigate Anniss's statistics. I guess what the result will be, for every witness said the same thing of them. The chief of the police was perfectly startled when he read to him Anniss's statement. He said—"It is perfectly impossible; it is not true." My hon. Friend the Member for Devonport made a good point when he spoke of the Prussian Army, and the small amount of disease found there. I quite agree with him; he is quite right; but does he know that the secret of that is not in the regulation of prostitution, but in the constitution of the Prussian Army and Prussian society? The Prussian Army is drawn from all ranks. The soldier is not tabooed; he is received into the homes of the citizens of every town they visit. It is the universal custom, because the householder knows his own son may want hospitality in a like case. Everything possible should be done to protect soldiers against disease and immorality; but it must not be that in order to do that we place women in a position from which reclamation is an impossibility. Compulsory examination degrades women into brute beasts. If you want to see what this system has done elsewhere, look to the Commune. ["Oh, oh!" and "Hear, hear!"] The women who burnt down the public buildings of Paris were women who had been subjected to compulsory examination. I agree that the former state of the camps at the Curragh and Aldershot was a disgrace to a civilized people; but the change observable there is not due to the Acts, but to the system of police adopted in consequence of the Acts, and there is no reason why that system should not be adopted irrespec-

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tive of the Acts. If the House will thoroughly examine the Report of the Commissioners, I am satisfied it will adopt it as far as the 1st, 7th, and the 10th and the 11th recommendations are concerned. We shall drop compulsory examination, and extend the blessings of a general system of hospital accommodation throughout the country, thus stimulating private benevolence to add special wards to all hospitals. I trust we shall also put a drag-net round children. I hope the House will adopt such means of dealing with the matter vigorously, and not resort to a vicious system which has proved ruinous wherever it has been tried, which is in opposition to public morality, and which, if persisted in here, will compel us some day to retrace our steps with shame.

Mr. BRUCE said, he had heard with astonishment the language which his hon. Friend the Member for Sheffield (Mr. Mundella) had permitted himself to use with respect to Inspector Anniss. He had great respect for the character of his hon. Friend; but he felt bound to say that after the best inquiry he had made on the subject, he believed Inspector Anniss to be as truthful a man as his hon. Friend. Addressing his constituents in Renfrewshire in 1871, he quoted from memory, but quite accurately nevertheless, the statements contained in the Report of the Royal Commission as to the diminution of prostitution in what was rather unfairly called the Devonport district—he said unfairly, because Plymouth was responsible for a great amount of it. Speaking in round numbers, it appeared that the prostitutes in that district before the Acts, were 2,000, and just before the Commission the number was reduced to 600. Of juvenile prostitutes under 16 years of age, the number before the Acts was something over 200; at the time of the Commission they had almost entirely disappeared. It had been contended that the diminution which had undoubtedly occurred was due to other causes rather than to the Acts themselves, and with reference to that contention, he had no doubt that other causes were in operation; but he must be permitted to observe that the gradual operation of these good causes would not account for the sudden and rapid diminution which had been effected. His hon. Friend who had moved the second read-

ing of the Bill might doubt the figures he had given; but what could he say to the statistics quoted by the hon. Member for Devonport (Mr. J. D. Lewis), which showed that not only in the hospitals, but in the workhouses, in the gaol, in the Home, and, in fact, in all the public institutions of the district, the reduction had been still greater. Then there was this striking testimony to the beneficial operation of the Acts—that in every town in which they were in force, we had the leading tradesmen and the clergymen hoping they would not be repealed. The House might, perhaps, be of opinion that other Acts applicable to the whole country might be substituted; but when we had so many persons qualified to judge coming forward and speaking in favour of the Acts, the House ought to pause before substituting legislation which might not be equally effective. Reference had been made to what had been done in the City of Glasgow. In 1866 that City came to the House, and induced it to pass a most stringent Act for the regulation of their streets, and that Act had been rigorously enforced. Well, it was the object of the Government in the Bill they introduced last year to substitute for the present Acts legislation of a stringent character, which proceeded, nevertheless, upon the general recommendations of the Royal Commission. One of the charges against these Acts, which made a very unfavourable impression out-of-doors, was that, important as they were, and affecting the rights and liberties of so many as they did, they were introduced surreptitiously and passed without the knowledge of the country. That might be true of the first Act, the Act of 1864, but it could not be true of those that followed, because after 1864 a Committee of the House of Lords sat; the Report which they made was largely discussed in the newspapers, and the Acts of 1866 and 1869 were founded on that Report. Indeed, the hon. Gentleman the Member for Sheffield himself had put his name to a recommendation that the Act of 1864, the only Act passed without inquiry, should be restored, for the 2nd recommendation of the Royal Commission was practically to restore the Act of 1864. But the Government, in the Bill they introduced, did not follow that recommendation; they rather agreed with the right hon.



Baronet the Member for Droitwich (Sir John Pakington), that the arguments against the Act of 1864 were as strong as against the subsequent Acts. They thought it better to propose the repeal of all these Acts. But what was the consequence? Almost immediately after the introduction of the Bill which was intended to give satisfaction to the entire country, attacks were made upon it from all quarters, and he received a deputation of 150 hon. Members from both sides of the House, protesting against the repeal of the Acts. Under those circumstances, the Government felt that it would be idle to waste the time of the House by proceeding with the measure. He admitted that there was a large amount of respectable public opinion against the Acts, and that it would be impossible to extend them all over the country; though he would himself rejoice if at any time a measure should be introduced which could be made general in its application. But the Government were not prepared to introduce such a measure now, and the question was, ought they to repeal the present Acts? He was not prepared to vote for their repeal. Whatever doubts might be entertained in other respects, no one could have any as to their deterrent effects, and therefore he should not feel justified in voting for the second reading of the Bill.

MR. HENLEY: Sir, when legislation of this kind was first put on the Table, I protested against it, on the ground that it was not right for Government to provide clean women for sinful purposes, I have heard no reason since to satisfy me that the Government of this country through its officers should take official cognizance of a class of persons habitually living in defiance of the laws of God and man, not for any purpose of deterring them, not for any purpose of punishing or reforming them, but simply that they may be proved fit to carry on their evil practices without sanitary inconvenience to their co-partners. I do not believe that can be defended. I believe that to be a downward course of legislation. Many organizations have sprung up in connection with carrying out these Acts. My opinion is, that if the Acts be wrong, no sanitary result will justify them, and that if you do obtain a result, you will be paying a heavy price for it; but your Returns are made

out so vaguely that no results can fairly be substantiated from them. These are shortly the grounds why I shall support the Bill of the hon. and learned Member for Cambridge (Mr. W. Fowler) for repeal. Something has been said respecting the people who carry on this agitation against the Acts. It is complained that the agitation is carried on by women, and therefore little value has been attached to it; but we cannot shut our eyes to the fact that women are most affected by this legislation. We do not know what women suffer. If they do not tell us, men cannot. History tells us that women, in all ages, when they believe they are right, have put their feet upon the Rock of Ages, and nothing will force them from their position. They knew full well what a cross they would have to bear, but they have resolved to take up the cross and despise the shame. Much has been said in the course of this debate on the reforming tendency of these Acts; but if you make vice more attractive, if you remove its attendant penalties and even reduce, it may be, the number of persons who are engaged in this traffic, would not that account for the uniform testimony that the women are better dressed, and therefore in every respect more attractive? I hold to the principle laid down in the Royal Proclamation, against vice and immorality, that there are many things which the law cannot altogether prevent, but that Proclamation calls upon all persons in authority to discountenance vice, and I do not think any man can lay his hand upon his heart and say—"This legislation is discountenancing vice and immorality." Do you not rather say you are content to tolerate the vice, believing you will get compensation in an improved sanitary condition of some portion of the population? You have reduced the result of this Legislation to a money value. You have Returns showing what that money-value is. If we are to act solely under the influence of money-gain, we should all of us consider who it is we serve by so doing. This is a painful matter to me, because I am obliged to differ from so many hon. Friends with whom I usually agree. Still, I have, from the beginning, raised my voice against these Acts, and I believe we are entering on a downward course in following the ex-

ample of other nations in this respect. If we test results in those countries which have publicly countenanced prostitution, and see how many children are born in wedlock and how many out of wedlock, and compare the condition of those countries with our own, we should find, thank God, that for the last 35 years we have been going on improving. How can we expect to continue this improvement, if we barter away the morality of the people for some small possible sanitary gain?

SIR JOHN TRELAWNY, as one of the members of the Royal Commission, had attended 43 out of 45 sittings, and felt bound to say that he concurred in everything which had fallen from the right hon. Baronet opposite (Sir John Pakington). He believed that the right hon. Baronet had not made a single statement in excess of the truth; if anything, he had understated the facts. On the other hand, his hon. Friend the Member for Sheffield (Mr. Mundella), considering the Report to which he had put his hand as a Royal Commissioner, deserved the Victoria Cross for his present course in denouncing the Acts. [MR. MUNDELLA observed that he was not responsible for, and did not concur in, the whole Report.] He would remind the hon. Member that he had nevertheless just said that "the police" ought to "sweep the young girls into reformatories." In that he (Mr. Mundella) was inconsistent with the hon. Member for Cambridge (Mr. W. Fowler), who had deprecated the employment of the police in these matters, and who yet was inconsistent with himself, inasmuch as he had pointed out the good the action of the police produced in the streets of Glasgow. In the question before the House, he (Sir John Trelawny) had never particularly cared for the statistics, because, if they were on the side of the supporters of the Acts, it would be complained that they made vice easy by diminishing its risk; while, on the other hand, if the statistics were unfavourable, it would be complained that public money was spent in vain. He contended that the Acts were neither illegal nor unconstitutional, and he would admit that if the Acts failed in those respects, the Acts would not stand. A rope was no stronger than its weakest part. What was the worst that could be said in that case? Why, that if a woman was per-

sistent in leading the life of a prostitute in a certain district, she was liable to be told that unless she married, or left the district, or expressed her intention to retire from her avocation, she must come under the Acts. Now, was there much hardship in that, considering the mischief she had done? As to the police, it was impossible that they could long be mistaken as to who were common prostitutes. Such persons usually followed one beat, and though a policeman might be wrong one night, or two or three, there could be no doubt on the fourth, or afterwards. The same sad dejected face might be seen night after night in the same locality, and there was no grievance in telling her that she must be treated in hospital, if she continued in her way of life. What was to be done in the case of a prostitute evidently suffering from small-pox? Was she not to be treated? Yet that—with vaccination—was interference with personal liberty. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) seemed to prove too much in contending that the Acts tended to immorality by making vice easy, and women more attractive to men. Was he prepared to leave the women altogether without treatment? Was nothing to be done to improve them? If anything was to be done in this way, that, whatever it amounted to, necessarily made the women more attractive to men. He would conclude with expressing his high opinion of the valuable services of the right hon. Baronet the Member for Droitwich in support of this legislation, services for which he would have the thanks of future ages.

MR. COWPER-TEMPLE: Sir, the last statistical Reports of the War Office show that the operation of these Acts have failed to diminish the most serious of the diseases. My hon. Friend (Sir John Trelawny) says, that after all the only injury that can be done under this Act of 1869 is, that some unfortunate woman may be obliged to leave the district, but surely he has forgotten the effect of these Acts upon public morality. Consider what is attempted to be done by this compulsory surgical examination. Consider the position in which it puts the Government of the country. The surgeon, the recognized authority of the Government, undertakes carefully to distinguish those women who are healthy

from those who are unhealthy. The nine-tenths whom he finds healthy, he sends back on the streets, with the stamp of the Government authority to inform the public that they have successfully passed his examination. The expectant consorts of these women wait at the door of the hospital, or congregate near a neighbouring public-house. This verification and announcement of the soundness of these women is not one of the proper functions of a Government. The compulsory registration of all public women by the police tends to enrol these women in a permanent and organized body. It puts a difficulty in their way when they wish to abandon the profession, for when they announce such an intention to the policeman or the surgeon, they are met with incredulity and suspicions which are not always well founded. The physical health and strength of our soldiers and sailors and of the classes from which they come are of national concern; but the moral health and force of all classes is still more important, and more to be cared for by the representatives of the nation, and the Legislature will fail in one of its highest duties if it continues this league between the State and prostitution, by maintaining laws which aim at rendering prostitution more safe and alluring without any concomitant attempt to discountenance or eradicate it.

Mr. W. FOWLER: What has fallen from the right hon. Gentleman the Secretary of State for the Home Department ought to satisfy us that these Acts are wrong. He admits that no Government can impose them on the whole nation. They cannot then be maintained for any part of it. I feel more than ever confirmed in consequence of this debate in the justice of the course I have taken.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 128; Noes 251: Majority 123.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

*Mr. Cowper-Temple*

# BOROUGH FRANCHISE (IRELAND)

BILL.—[BILL 118.]

(Mr. Callan, Mr. Mitchell Henry, Mr. Downing.)

## SECOND READING.

Order for Second Reading read.

COLONEL STUART KNOX moved that the Order be discharged. He did not believe the Bill was in existence, and, moreover, the hon. Gentleman, its promoter, was absent.

Motion made, and Question proposed, "That the Order for the Second Reading of the said Bill be discharged."—(Colonel Stuart Knox.)

Mr. BRUCE hoped the hon. and gallant Member would not persevere in his Motion in the absence of the hon. Member having charge of the Bill.

Mr. J. LOWTHER thought the hon. Member having charge of the Bill was bound to be in his place. He, therefore, hoped his hon. and gallant Friend would persevere with his Motion.

Question put.

The House divided:—Ayes 108; Noes 128: Majority 20.

Second Reading deferred till Wednesday 11th June.

# LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 3) BILL.

On Motion of Mr. HIBBERT, Bill to confirm two Provisional Orders made by the Local Government Board under "The Poor Law Amendment Act, 1867," with reference to the city of Coventry, in the county of Warwick, and the parishes of Mid Lavant and East Lavant, in the county of Sussex, respectively, ordered to be brought in by Mr. HIBBERT and Mr. STANSFELD.

Bill presented, and read the first time. [Bill 169.]

# EAST INDIA (RAILWAY SHARES) BILL.

On Motion of Mr. GRANT DUFF, Bill to enable Indian Railway Companies to issue and register Shares and Securities in India, ordered to be brought in by Mr. GRANT DUFF and Mr. AYRTON.

Bill presented, and read the first time. [Bill 168.]

# GRAND JURY PRESENTMENTS (IRELAND) BILL.

On Motion of Mr. HERON, Bill to amend an Act passed in a Session held in the sixth and seventh years of the reign of King William the Fourth, chapter one hundred and sixteen, intitled "An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," ordered to be brought in by Mr. HERON, Colonel WHITE, and Mr. BAGWELL.

Bill presented, and read the first time. [Bill 170.]

House adjourned at five minutes before Six o'clock.

## HOUSE OF COMMONS,

*Thursday, 22nd May, 1873.*

MINUTES.] — SELECT COMMITTEE — Callan Schools, *nominated*; Boundaries of Parishes, Unions, and Counties, *nominated*.

Report—Tramways (Metropolis) [No. 222].

PUBLIC BILLS—Ordered—First Reading—Public Prosecutors \* [173].

Second Reading—Rating (Liability and Value) [146]; Valuation [147].

Report — Metropolitan Tramways Provisional Orders \* [76-172].

Third Reading—Gas and Water Provisional Orders Confirmation (No. 2) \* [126]; Consolidated Fund (£12,000,000), and *passed*.

## GAS COMPANIES—INCREASED PRICE OF GAS.—QUESTION.

SIR CHARLES W. DILKE asked the President of the Board of Trade, If Mr. Reilly, the legal Commissioner appointed by the Board of Trade to report upon the increased price for gas demanded by the Chartered Gas Company, had been in several preceding Sessions Parliamentary draughtsman and Counsel to the Chartered and other Metropolitan Gas Companies; and, whether it was the intention of the Commissioners that the Western Gas Light Company (Limited) should increase the price of canal gas from 5s. to 6s. 3d. per thousand feet, whilst the Company only claimed from the consumer 5s. 5d. so recently as the 4th of April last; that Company having only recently been amalgamated with the Chartered Gas Company, and having handed over a large reserve fund to meet the increase in the cost of material and wages?

MR. CHICHESTER FORTESCUE in reply, said, he regretted that the hon. Baronet had put his first Question, because, of course, it meant to impugn the impartiality of the legal Commissioner appointed by the Board of Trade to conduct that recent inquiry. Mr. Reilly was a well-known gentleman, whose character stood so high that it was entirely unnecessary to defend him in that House. He had not inquired at all whether Mr. Reilly had been employed by the London Gas Companies or not, but had every reason to believe, as he was in large practice on those subjects, that he had been, and also by the Corporation of the City of London and by the Metropolitan Board of Works, who were the opponents of the Companies in

the recent inquiry. He had likewise been employed by the Government, and, in the opinion of all parties, the inquiry was admirably conducted. In respect to the second part of the hon. Baronet's Question, the revised price of gas applied to the amalgamated companies. The hon. Baronet seemed to labour under a mistake when his Question implied that the Western Gas Company only was to increase the price of their gas. The facts were that the Western Gas Company now formed part of the Chartered Gas Company, and the revised price was fixed by the Commissioners for the United company. Indeed, the Western Gas Company could have raised its price if it remained still in existence. But having united itself to the Chartered Gas Company, the amalgamated gas companies could only charge 5s. 5d. until the inquiry of the Commissioners took place. With respect to the reserve fund being handed over by the Western Gas Company to the Chartered Gas Company, it was proved before the Commissioners that the reserve fund had been applied in the year 1872 to the purpose of making up the dividend of the year. The question which the Commissioners had to settle was the price of gas for the year 1873. Bound by the Act of 1868, under which the inquiry took place, they fixed such a price as was calculated to yield to the company, after due care and management on their part, a dividend as near as might be, but not exceeding 10 per cent per annum.

INDIA—PUBLIC WORKS DEPARTMENT  
—OFFICERS OF THE SCIENTIFIC  
CORPS.—QUESTION.

MAJOR TRENCH asked the Under Secretary of State for India, whether he will explain to the House why it is that Majors in the scientific corps (*i. e.* in the Royal Artillery and Royal Engineers) employed in the Public Works Department, or holding Staff appointments in India, receive emoluments much smaller in amount than those drawn by Majors in the Cavalry, Infantry, or Staff Corps, filling precisely similar posts?

MR. GRANT DUFF: Sir, the salary known as Staff salary granted for the performance of the same duties, whether in the Public Works Department or in Staff appointments in India, is, of course, the same whether the persons perform-

ing those duties belong to the Scientific Corps or to other branches of the Army; but the regimental pay of a major in the Scientific Corps being not in India only, but all through the British Empire, smaller than that of a major of cavalry or infantry, the total amount of money yearly received by these officers, in whom the hon. and gallant Gentleman is interested, is less than what would be received by majors of cavalry and infantry. I need hardly add that artillery officers in India only accept Staff appointments because they prefer so to do, and that engineer officers in India are almost always paid for their services by a lump sum per *mensam*, known as consolidated salary.

MAJOR TRENCH said, as the answer of his hon. Friend did not meet his Question, he would give Notice that to-morrow he would put his Question in the following form:—Whether he would explain to the House why it was that officers in the Scientific Corps employed in the Public Works Department, or holding Staff appointments in India, received on promotion to the rank of Major the rate of pay drawn by Captains, while Officers in the Cavalry, Infantry, or Staff Corps holding the rank of Major received the full benefit of the emoluments of that rank?

#### JURIES (WALES).—QUESTION.

MR. O. STANLEY asked the Secretary of State for the Home Department, if he has considered the desirability for the due administration of justice in Wales of amending the Law as regards Juries; and, if he will introduce a Bill for Wales similar to the one just introduced for Ireland, enacting that persons unable to speak, read, or write the English language should be exempted from serving as jurors in Wales; and also for raising the property qualification of jurors?

MR. BRUCE, in reply, said, that there was a Bill before the House on the subject of Juries, and he thought the most convenient and satisfactory way to deal with the difficult and important question his hon. Friend had raised would be to place Amendments to it on the Notice Paper, which would enable the Government fully to consider his proposition.

*Mr. Grant Duff*

#### ARMY—MILITIA BANDS.—QUESTION.

MR. GREVILLE-NUGENT asked the Secretary of State for War, Whether it is in contemplation to place the Bands of Militia Regiments in the United Kingdom on the same footing, with respect to an annual allowance, as enjoyed by the Bands of Regiments of the Line?

MR. CAMPBELL-BANNERMAN: The cost of music, so far as it is necessary for military purposes, in Regiments of Militia, is defrayed at present by the public. This will continue to be the case; but it is not intended to do anything further.

#### FOREIGN OFFICE—CONSUL GENERAL (EGYPT).—QUESTION.

MR. W. LOWTHER asked the Under Secretary of State for Foreign Affairs, Whether Colonel Stanton has resigned his post as Her Majesty's Agent and Consul General in Egypt; and, whether Colonel Stanton's successor has been or is about to be appointed?

VISCOUNT ENFIELD: Sir, Colonel Stanton has not resigned his post as Her Majesty's Agent and Consul General in Egypt. He is about quitting his post for a period of leave which has been granted to him, and temporary arrangements have been made for the performance of the Consul General's duties during this absence.

#### PROBATES, &c., OF WILLS (SCOTLAND). QUESTION.

MR. DODDS asked the Lord Advocate, Whether arrangements can be made to render probates of wills and letters of administration duly granted in England available in Scotland without the necessity for having them marked in the books of the Commissary Court of Scotland in Edinburgh?

THE LORD ADVOCATE: In answer to the Question of the hon. Gentleman, I may say I have not myself heard of any complaints against the existing law on the subject referred to in his inquiry, or that it leads to any grievance or practical inconvenience. It is no doubt proper that the subject should be discussed; but it would require the greatest consideration before any alteration could be made in the existing law.

## NINEVEH EXCAVATIONS.—QUESTION.

MR. MACFIE asked Mr. Chancellor of the Exchequer, If he has taken into consideration whether the Government might not, with public advantage, supply Mr. George Smith, now engaged in excavating at the King's Library in Nineveh, with further personal and pecuniary help, in order to secure for the British Museum the literary treasure in the Great Mound, which the telegram from Mosul, dated 19th, says "large sum of money are required to lay open?"

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Gentleman seems to think that as soon as a telegram arrives in this country stating that large sums of money are required to proceed with a particular enterprise, I have nothing to do but to rush in and fill up the vacuum. In that opinion I do not agree with him. In the case to which he refers it has been found impossible to continue the work in the hot weather, and those engaged in it are about to return to England. If we wished, therefore, nothing could be done just yet.

## INDIA—KIRWEE PRIZE MONEY.

## QUESTION.

COLONEL BARTELOT asked the Under Secretary of State for India, If he will state to the House upon what grounds the treasure taken at Kirwee in January 1859, shortly before the end of the insurrectionary war, in the house of Mukhoond Rao Jamdar, a rebel enemy, was held not to be legal booty?

MR. GRANT DUFF: In reply, Sir, to the hon. and gallant Gentleman, I have to say that the money having been found a considerable time after the capture of Kirwee was restored to its rightful owner by the civil authorities in the ordinary course of their duty.

## EDUCATION (SCOTLAND) BILL—THE NEW CODE.—QUESTION.

MR. GORDON asked the Vice President of the Council, Whether, seeing that the School Boards in Scotland require, not later than 12th June next, to intimate to the respective parochial boards the sums of money which they estimate must be assessed for the expenditure during the ensuing year, and that such expenditure will in many parishes depend to a considerable extent

on the regulations as to building grants contained in the New Scotch Code, he will now state when the Code will be laid upon the Table of the House?

MR. W. E. FORSTER: No time is being lost in connection with the subject of the inquiry of the hon. and learned Gentleman, and I hope to be able to lay the Scotch Education Code on the Table of the House certainly before the Whitsuntide Recess.

## ADULTERATION OF FOOD ACT, 1872—PROSECUTIONS.—QUESTION.

LORD EUSTACE CECIL asked Mr. Attorney General, Whether, having reference to a paragraph that appeared in the "Pall Mall Gazette" on the 17th of May, inspectors of markets, nuisances, or weights and measures, as the local authority may appoint, are not bound to prosecute under the terms of "The Adulteration Act, 1872," upon receiving a certificate from the local analyst; and, whether under such circumstances an analyst is not abusing the confidential nature of his position in sending notice of the adulteration to the seller? The paragraph to which he referred was as follows:—

"Dr. Corfield has just presented his first Report as food analyst to the Vestry of St. George, Hanover Square. Of 15 samples of ground coffee only four were genuine, while nine were adulterated with chicory, caramel, &c. He had analyzed 20 samples of milk, and found five only genuine. Two or three were deteriorated, some were adulterated with water, besides having been skimmed. He proposed to send notice of the adulteration to the seller. The Report was ordered to be printed."

THE ATTORNEY GENERAL, in reply, said, that of course he did not pretend to know whether the paragraph upon which the noble Lord grounded his Question was correct or not. Looking at the 6th section of 35 & 36 *Vict.*, c. 74, it seemed to be clearly laid down that when the analyst had brought under the notice of the Inspector a case of adulteration, it was the duty of the latter to make a complaint before the magistrates, and it was their duty to issue a summons. What might be done thereupon was, of course, for the magistrates themselves to say. As to the second Question, he could give the noble Lord no authoritative opinion. There was nothing in the Act of Parliament to forbid the analyst sending notice of the adulteration to the seller, and he could

only say that if he were analyst he should not do it, but there were other men who might take a very different view.

#### FOREIGN OFFICE—GREEK LEGATIONS.

##### QUESTION.

MR. ION HAMILTON asked the Under Secretary of State for Foreign Affairs, Whether there is any truth in the report that the Greek Government have decided to suppress all Legations to Foreign Courts except Constantinople; and, whether the Greek Legation in London is, in consequence, to be withdrawn?

VISCOUNT ENFIELD: Sir, Her Majesty's Minister at Athens, Mr. Stuart, has reported that he had been informed by the Hellenic Minister of State, Mr. Deligeorges, that the Hellenic Government intended to suppress all their Legations abroad, with the exception of that at Constantinople, but up to the present moment no notification had been made either at Athens or in London of withdrawing the Greek Legation from this country.

#### INDIA—DEATHS BY SNAKE-BITES.

##### QUESTION.

SIR JOHN HAY asked the Under Secretary of State for India, If he will state to the House the number of persons killed annually in India by Snake-bites; and, whether any more active steps are about to be taken for the destruction of poisonous reptiles, as well as for ascertaining methods of cure?

MR. GRANT DUFF: In reply, Sir, to the hon. Baronet's first Question, I am sorry to say that 14,529 persons would appear to have lost their lives by snake-bites alone in the year 1869. The later Returns we have received do not distinguish deaths caused by snakes from deaths caused by other dangerous animals; but in 1871 the total deaths caused by dangerous animals amounted to 18,078. In reply to his second Question, I have to say that the subject of the destruction of snakes and of the medical measures to be adopted in consequence of snake-bites is occupying much attention in India, and I think that Dr. Fayer's very remarkable book, of which 340 copies have been sent to India for distribution, is likely to produce excellent results.

*The Attorney General*

#### PARLIAMENT—FORMS AND USAGES OF THE HOUSE—PRINTING OF BILLS.

##### QUESTION.

COLONEL STUART KNOX said, he wished to put a Question to Mr. Speaker with reference to the forms and usages of the House. It would be recollected that he had yesterday moved that the Order of the Day for the Second Reading of the Borough Franchise (Ireland) Bill should be discharged. He had taken that course because the Bill having been nominally on the Table of the House since the 2nd of April, and the hon. Member who had charge of it never having taken any steps to have it printed, he thought it was very unfair that many hon. Members should be brought down to the House week after week to look after what was, in point of fact, a dummy Bill. He now wished to ask, Whether it was within the forms and usages of the House for an hon. Member to obtain leave to bring in a Bill, to obtain an order of the House for the printing of the Bill, and then to postpone it time after time without taking any steps to have it printed and circulated among hon. Members?

MR. SPEAKER: The question of the hon. and gallant Member refers to the Borough Franchise (Ireland) Bill, upon which a Vote of this House was taken yesterday. I find on reference to the Votes that Leave was given by the House for the introduction of the Bill upwards of six weeks ago, and that on the same occasion the Bill was ordered to be printed. No doubt it is opposed to the usage of the House that so great a delay should take place between the Order of the House for the printing of the Bill and the circulation of the Bill among hon. Members. Perhaps the House will allow me to say, with reference to what occurred yesterday, that when the Clerk at the Table, at my desire, read the Order of the Day for the Second Reading of this Bill, the hon. and gallant Member for Dungannon (Colonel Stuart Knox) rose in his place and moved that the Order of the Day for the Second Reading of the Bill should be discharged. The hon. and gallant Member did that without Notice, and I trust that the House will allow me to say that that is a precedent which I hope will not be followed in the future, because I am satisfied it would be productive of much inconveni-

ence to the House. When the hon. and gallant Member for Dungannon made that Motion I called upon the hon. Member having charge of the Bill (Mr. Callan) to state what course he proposed to take with regard to the Bill. As the hon. Member for Dundalk was not in his place on that occasion, I deem it my duty to say that every hon. Member having charge of a Bill owes it to the House to make known to the House what course he desires shall be taken with regard to the Bill when it is called on.

RATING (LIABILITY AND VALUE)  
BILL.—[BILL 146.]

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Stansfeld.*)

Mr. CAWLEY rose to move that the Bill be read a second time upon this day six months. It was impossible to discuss this measure without at the same time discussing the Valuation Bill, which immediately followed it in the list of Business for to-night, because the two measures formed part and parcel of the same subject, and if passed would together form the foundation of all our future legislation with regard to local taxation in its relation to Imperial taxation. Under these circumstances, it was of the first importance that these Bills should be fully and carefully discussed, otherwise but a short period would elapse before fresh measures would have to be introduced in order to correct the mistakes which it was certain would be made if these Bills were passed hastily and without being sufficiently considered. He was aware that he should be met at the onset by the objection that all the matters to which he was about to refer were only questions of detail, which could be more conveniently considered in Committee; but his experience in that House had shown him that it was impossible for a full and exhaustive discussion of a Bill to take place at any of its stages but that of the second reading. Turning to the Bill now before the House, he found that it endeavoured to deal with the question of liability in a very summary way. He, however, ventured to suggest

that not only this measure, but the one that immediately followed it, instead of settling matters, would really unsettle much that had been settled by the onerous labours of the Courts of Law, and would lay the foundation for endless litigation, misunderstanding, and disputes, which would have to be settled hereafter by the Legislature. By the 3rd clause of the Bill it was proposed to extend the liability to three classes of property. In the first place, it proposed to extend the liability to mines of all kinds. But it happened that there was nothing which had a less definite legal meaning than what was included in the term mine, and unless the right hon. Gentleman the President of the Local Government Board was prepared to state distinctly on the face of the Bill what he intended to include in that term, he would be doing that which must inevitably lead to much future confusion. There was no difficulty connected with the definition of an ironstone mine when worked from below; but iron ore which could be got from the surface of the ground by throwing off the earth with which it was mixed, would escape taxation as a mine. Take the case of clay—clay had been held to be a mine when worked from below, in the manner of coal, and not a mine when worked from the surface. Every day fresh kinds of earth, shale, &c., were being brought into use. He apprehended that the real object of the Bill was that all these things, which were produced from the earth, should be taxed. If that was its intention, let the Bill contain a distinct declaration to that effect, instead of leaving it to Courts of Law to determine what was rateable under the Bill. At present he was not discussing the question whether this was property that ought to be rated in the same way as other property; he was merely drawing attention to the uncertain phraseology of the Bill. If he was to take this Bill in connection with the other Bill which provided for valuation he utterly failed to find how the annual value of growing timber, as distinguished from underwood, was to be ascertained. Nothing had been introduced to render more definite the mode of ascertaining the value; but the words "from year to year" in the Parochial Assessment Act were to be changed into "one year with another." He, as well as some of his



legal friends, was puzzled to know what was the legal interpretation of the phrase "one year with another," literally it meant the average of two years. Did the right hon. Gentleman mean that, or did he mean an average of five years, for which he proposed the valuation list should hold good. He next came to the proposal to repeal the Act passed by the present Parliament which exempted ragged schools and Sunday schools from rating. He regretted exceedingly that the right hon. Gentleman, in his love for abolishing exemptions, should have asked them to abolish the Act which was passed, after considerable discussion, by that very House. The whole country was against the repeal of that Act, and in favour of the exemption of such institutions as those schools which were carried on, not for the benefit of any private individual, but for the benefit of those who needed help, and could not help themselves. If the Government proceeded with the clause for the repeal of the Act he hoped the Committee would strike out that clause. To some extent scientific and literary institutions should also be exempt from rating. He would also draw the right hon. Gentleman's attention to the difficulty he had created by the introduction of a supposed principle of rating in the other Bill. In that Bill there was a provision which required the rating of places which were almost valueless. The next important point was that which dealt with the rating of property belonging to corporations and municipal governments. When the right hon. Gentleman admitted that the time had come when this description of property should not escape without rating, he expected the Government would have come forward and enunciated a principle on which Government property should be rated; but he failed to discover here anything more than might be set forth in the resolution of the House, to the effect that such rating ought to take place. He could not understand why they should be asked to simply affirm in an Act of Parliament a particular proposition that the Government should prepare a scheme and then ask Parliament to sanction it after it was done. In his opinion, the whole initiation ought to rest entirely with the Government. Then it appeared that if a scheme should be propounded and laid before Parliament, and a Bill

founded upon it should be introduced, the very delightful privilege was given to the assessment committees to petition against the measure and fight out the matter, as was done in regard to a Private Bill. He confessed that was a privilege which most persons would be glad to get rid of. He admitted, without hesitation, that there were classes of property belonging to and used by the Imperial Government, which either ought not to be rated at all, or only at very small sums indeed. Take the case of fortifications. If fortifications were at places where they did injury to property around them, the owners of such property would be entitled to compensation. But fortifications stood on a wholly different footing from Government offices. The question, however, came back—on what principle were these structures to be rated? He contended that the House ought not to be asked to sanction a measure of this kind without a principle of rating being laid down which could be carried out by the assessment committees. The Bill also failed to state any definite process for valuing the property of local authorities, and the powers given to the surveyors of taxes by those Bills which far exceeded those given in the metropolitan Act, would raise objections from one end of the country to the other. The valuation list was to be sent in duplicate to the surveyor, and he could put in his own statement as to the value of the property, and on the list being returned to the assessment committee, the latter were bound to accept the surveyor's figures, unless they were proved to be wrong. Such a proposal would give great dissatisfaction to the country, and if adopted, would create much mischief. No hon. Member was so blind as not to detect the object the Government had in view. In reference to Imperial taxation, the object was to raise the value as high as possible. Hon. Gentlemen were perfectly well aware that there had been all along a constant dispute as to where the line of rateability with regard to machinery in some form or other was to be drawn. Without stopping to define it himself, he insisted that no Act should be passed dealing with the subject which did not particularly define what machinery should be rated. In practice the limit did not usually extend beyond the steam-engine when fixed on the masonry

and what was known as the first motion and the main shafting. But some machinery was necessarily secured by screws or bolts, and it was held to be thereby attached to the freehold, and became part of the hereditament. It thus became rateable, but an absurd contradiction arose. In some cases a large quantity of machinery was worked from a single engine. The engine and boiler were in that case rated; but if each machine was worked by a small separate engine affixed to it, the boiler and steam pipes only were rateable. Another very common anomaly was that of two machines precisely alike; one would be rated because it was fixed on stone, and the other was not because it was fixed on timber not part of the freehold. If machinery was to be rated at all, the law should clearly state what machinery. Though we had got something approaching to a system as regarded a certain class of rateable property, it was by no means satisfactory; he referred to our great works, such as railways, canals, ironworks, gasworks, docks, and so on. He ventured to say that these were matters which deserved the attention of the Government before dealing with this great question of local and Imperial taxation, and that some method of settling these questions ought to be laid down. The present system was most difficult and unsatisfactory, and neither of the Bills helped them in dealing with property of that class. When they were rating property which did not admit of being let to a tenant they had to take a hypothetical tenant, and make calculations founded on hypotheses which had no relation to fact in order to arrive at some figure or other. It was impossible to say how far, in many cases, they were taxing the profits of trade, and not the hereditament itself. The Bill did nothing to diminish the difficulties; but, on the contrary, by introducing the surveyor of taxes, would increase them. The interpretation of the word hereditament given in the interpretation clause was very large. Take also Clause 55 of the Valuation Bill, which was introduced to meet the case of large mansions. When any building not used for purposes of trade or commerce could not—

“By reason of its size, character, use, or any exceptional circumstances, be properly valued according to the annual rent which a tenant might reasonably be expected to pay,” it was to

valued “according to the annual value thereof to the person occupying the same in respect of its actual use and occupation.”

He could not conceive words more open to objection, and he defied any one to lay down a clear and definite rule for carrying out that clause. There were many cases in which a nobleman or gentleman inherited with a large and valuable estate a moderately sized house which was of little or no value to let to another person, but with which, from family considerations, he would not dream of parting. Who would undertake to say what its annual value was to him for use or occupation? Or take the case of a gentleman coming into an encumbered estate with a house three times the size he needed, having regard to his actual income from the estate. What was the value of it to him in respect of his use or occupation? He would be thankful to get out of it, but could only do so by letting it at a nominal rent. Such property should be dealt with according to its actual letting value; and he doubted whether, under the words of the section, a ragged school, hospital, or other charitable institution could be assessed at all, because no man could say what was its value for use or occupation. Another important point was the deductions which were to be made from the gross value in order to fix the rateable value. He ventured to say that the distinction between gross and rateable value was little more than a myth. In point of fact, the valuers, so long as they got a fair rateable value, did not trouble themselves about gross value; but when the gross value was the measure of the property tax, it became necessary to have the gross value correct, as well as the rateable value. The right hon. Gentleman had proposed that there should be a maximum reduction, applicable all over the country. The deductions were intended to cover the costs of repair, insurance, and other expenses necessary to maintain the hereditament at its annual value, and the deductions proposed by the Government were set out in the schedule. He (Mr. Cawley) controverted absolutely, and without qualification, the doctrine that in order to be equitable, deductions ought to be everywhere at one and the same rate. The rent which a man paid for a house depended upon its situation, and included not only the building, but the value of

the land. In large towns a house would let at three times the rent that it would bring in the country; the cost of repairs in each case was pretty much identical, but the proportion which they bore to the rent was a totally different percentage. He demurred, therefore, to the conclusion that because in one case one-fourth was deducted, and in another one-sixth, therefore these deductions were erroneous. If they applied one universal rule to the country at large they were likely to do harm, and more likely to create injustice and inequality than to remedy one. With regard to mills and factories, one-third was proposed to be taken off, with regard to house property one-fifth, and with regard to land with buildings and houses one-tenth. One-third off a factory might be very fair if we were dealing with the machinery itself, but very few would maintain in the case of a good sound mill that one-third must be expended in keeping it in condition. The thing was absurd on the face of it, and therefore we should make a mistake if we laid down a table of maximum deductions, leaving it uncertain how it was to be applied. They had got no fewer than six classes of property to which the note was appended—

“To be determined in each case according to the circumstances and the general principles of law as amended by this Act.”

What those general principles of law were he confessed he did not understand. He could only imagine that whoever drew the Bill put in these words because he felt himself utterly at sea, and unable to lay down any principle of law. His objection to these Bills was not so much against the machinery. He objected to them on the ground that they settled nothing; that they laid the foundation for greater disputes and difficulties; and that they inevitably entailed the necessity of dealing with the question in a more clear and distinct form at a future time. Instead of pressing forward these measures, the Government ought to take these points into consideration, and lay upon the Table a complete and comprehensive measure, dealing with the whole question. The Valuation Bill appeared from its size a somewhat important measure; but to a great extent it was taken up merely in changing the machinery of the assessment committee and the appeal to the Quarter Sessions which at

present existed. He did not see the great advantage to be derived from this change; but he could well believe that it would create considerable confusion. In saying that he put out of view the introduction of the surveyor of taxes, an alteration which would hardly recommend itself to the country. In conclusion, he must say that the measures before the House were crude and ill-digested, and ought not to be proceeded with in their present state. He ventured to add that though it might be true that most of the questions he had alluded to were matters of detail, nevertheless they were matters so important that they ought not be left to depend on Amendments suggested by private Members in Committee. They were questions which should come before the House with all the weight which the consideration of the Ministry could give them, and until the Ministry had given them that consideration the measures ought not to be proceeded with. The hon. Gentleman concluded by moving his Amendment.

Mr. CORRANCE, in seconding the Amendment, said, he was by no means disposed to repudiate this Bill because it provided for the extension of rating to property hitherto exempt. Why, then, was he driven to agree with his hon. Friend (Mr. Cawley) that it should not be allowed to proceed beyond its present stage? When the Bill was introduced he said that the speech of the right hon. Gentleman was insufficient to convince him that he had mastered its details. The right hon. Gentleman had avoided giving the House any clear or distinct intimation how his proposal was to be worked out. He, however, expressed a hope that when the Bill was in their hands they might be able to satisfy themselves on many debateable points. Did the Bill do this? It did not. The right hon. Gentleman called the Bill unphilosophical; he also admitted it was illogical; but he said it was a small Bill. He should not quarrel with it as a small Bill if it had laid down any clear and sound principle; but it was vague, shadowy, illusory, and unjust. The right hon. Gentleman was doubtless prudent in limiting its extent, for if he had attempted reform in too many instances there would have been a combination against him. One curious feature of the measure was this, it laid the burden all on the same sort of property—it rated

owners to relieve the occupiers. The Bill proposed to rate Government property; but in that matter he thought they should only rate the ground rent, giving to the locality that advantage, but no more. As to the definition of a mine, he hoped the difficulty of obtaining a definition would be overcome, and that mines might take their fair share of the burdens of the country; and as to woods, he must object to leave the matter in the hands of the assessment committee, assuming a basis and rating the property in any way they liked. The right hon. Gentleman was bound to give the assessment committee some general principle on which they might act. With regard to game, the local committee ought to have power to rate the sum derived as rent to its full amount; but he could not go beyond that, because it would be found where much game was kept there would be a deduction made in the rent, and where little game existed the value of it would be included in the land. He contended that the Bill was not a just one. Its intention was that all property of all descriptions should be subject to a rate; but the 13th clause constituted it a Bill of exemptions of the most serious character. Rating of stock in trade might be said to be obsolete and impracticable in England. But in France, in 1793, the first act of the Convention was to sweep away all those personal taxes which had proved so onerous, because they were confined to the lower classes; and from that time every inhabitant of France had paid, in lieu of any tax upon personal property, a tax upon his rent or rental, which, in 1867-8, was fixed by law at one-twentieth part of the rent paid by each resident upon the portion he resided in. And what was the case in America? There personal property had been taxed to an enormous extent, and no one ever dreamed of exempting stock in trade from a personal tax. He had before him a Return of the proportion of the taxation of real and personal estate in various States, cities, and counties of America; and the ratio of personal to real varied from 1 to 1·20 to 1 to 10·46. Commissioners who had been appointed to inquire into the subject, thus wound up their labours—

“That to tax one man for one species of property, because, through his honesty, ignorance, or inability to escape, he can be laid hold of,

and to fail to tax another man, because he is cunning and unscrupulous, and so cannot be laid hold of, is not taxation, but arbitrary confiscation.” And again, “In almost every community, it is not so much the extent as it is the inequality which constitutes the burden of taxation, and the Commissioners have been much impressed with the circumstance that, in conversing with the heaviest taxpayers of the State, it has not been so much the burden which is complained of, as it is that, while the individual in question claims to pay, his neighbours and associates in some way manage to escape.”

In fact, he could find no instance in any foreign country where some equivalent was not given for the remission of taxation on personal property. Stock in trade had been taxed in this country upon the income annually derived from it; it was a class Parliament which exempted it, and not a ratepayers' Parliament; and it was obvious, with the power which had been gained by the working classes, this exemption was absolutely unsafe. He had no fault to find with the Bill in its details; but as it accepted a principle which was unsafe, he was bound to resist it at this stage.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Cawley.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

MR. PEASE observed, that if the proposal to throw aside this Bill would give satisfaction to the constituencies of the hon. Gentlemen by whom its rejection had been moved and seconded, it would certainly have the opposite effect on his own constituency, who would regard the throwing out of the measure as a great disaster. He accepted the Bill as a small but important step in the settlement of a great question. He believed that it would bring under rating in the North Riding of Yorkshire something like £100,000 annual value of metallic mines, and also a large number of lead mines in the county he had the honour to represent (South Durham.) According to the Bill personal property was not to be rated, neither was the tradesman's stock. If the trader was rated on his stock-in-trade the farmer must also be rated on his cattle and implements, the rating must come out of profits, and the landlords must reduce their rents. There was but little difficulty in the rating of game or wood lands. Where the game was reserved by the landlord and re-let

the tenant paid less rent; and with regard to the planting of trees, the tenant should pay as much as when when the land was arable. The question of rating of personalty was a very large and important one, which it would take a strong Government, indeed, to deal with, but which he trusted the party opposite might be able to grapple with when they came into office. The general question of rating was a question which, in his opinion, the House could only deal with piecemeal and seriatim. Several ineffectual attempts to rate metallic mines had already been made; and on the last occasion, when the mineral mine-owners had agreed to be rated under the Bill of the hon. Member for West Cumberland (Mr. Percy Wyndham), the right hon. Member for the Tower Hamlets (Mr. Ayrton) proposed the omission from the Bill of every provision except the statement that the mines were to be rated. Against this proceeding the then Attorney General (Sir Robert Collier) protested and the Bill was withdrawn, yet this was what the right hon. Gentleman now proposed. The present Bill was a very bold measure, and in some respects a good one; but when his right hon. Friend (the President of the Local Government Board) came to the really difficult point he evaded it. Surely his right hon. Friend must know very well that the difficulty of rating metallic mines could never be solved without some definition of a mine. It was not merely a hole in the ground and the machinery for drawing materials out of it, but sometimes there was a mile of railway connected with it. In some cases, in Durham and Yorkshire, mines had been sunk at an expense in rent alone of £30,000 or £40,000 before any benefit could be realized. Such a mine was not to be rated. A Return presented to the House, on the Motion of his hon. Friend the late Member for Whitby (Mr. Bagnall), showed that to arrive at the net estimated rental of a coal mine—that at Belper, in Derbyshire—the deduction from the rent taken by the landlord was 25 per cent; at Hayfield, in the same county, 10 per cent; at Bishop-Auckland, 20 per cent; at Durham, 25 per cent; and in Weardale, 50 per cent. Again, to take one or two instances from the district with which his hon. Friend was himself connected: At Oldham, 33 per cent was deducted;

*Mr. Pease*

at Blackburn, 25 per cent; and other places in Lancashire showed as great a variation. Turning to Wales, he found that at Pontypool every ton of coal was rated at 8*d.*, whereas in another union the rate was only 4*d.* At Newport, the deduction was 13½ per cent, and at Neath 5 per cent. As his right hon. Friend brought in a large area of mining property, he would be simply perpetuating and extending the existing anomalies unless he laid down a definite rule as to the assessment of mines, instead of vaguely stating that all those differences and difficulties were to be determined according to the circumstances and the general principles of law. Under the present Bill the valuation made by the assessment committee was to be the basis of rating for five years, and to this proviso he offered at present no objection, except that no exception to the rule was made in the case of mines, although it was well known that many a colliery would yield twice as much coal in one year as it would in another, and by rating for five years injustice would be done to the union and to the miner. All these, however, were points of detail which might be fitly discussed in Committee, but which could hardly be debated on the Motion for the second reading. As far as the metallic mines were concerned, a great injustice would be done to the unions if they were not brought this year into the rateable area, and for that reason he should support the second reading of the Bill.

MR. PERCY WYNDHAM said, he would support the Bill because it accomplished what many private Members had vainly attempted to accomplish. There were a great many difficulties connected with the assessment of mines, the value of which varied considerably in different districts. In one small district in West Cumberland the annual value of the iron mines was £344,000 a year, and yet they contributed nothing to the rates. It had been suggested that a variety of schedules might be drawn up to take effect in different parts of the country, but he doubted whether the House would ever agree to such a scale. He would be able to show in Committee that the royalty of a mine was in no sense its rateable value, and while it was one thing to allow people in Cornwall or Devon, as the Government proposed, to rate mines in that way, it was another

thing to force the system on the rest of the country. The Government had approached the subject in the only way in which it could be satisfactorily dealt with. The method of valuation was yearly improving, skilled valuers being increasingly employed, and it was only when the powers of assimilation had been carried further by local action that Parliament would be able to step in and lay down rules for the rating of mines. To attempt this now would simply cause confusion and injustice; but that was no reason why property worth nearly £11,500,000 a-year should remain exempt from rates.

Mr. REED wished distinctly to enter his protest against the repeal of exemptions granted to Sunday schools and ragged schools by the Act of 1869. Some doubt had arisen on the Acts of 3 & 4 Will. IV., and when, in order to confirm the exemptions granted by those Acts, he brought in the Bill of 1869, it was supported by 228 against 71, and its principle was assented to by the Government then and still in power. Now the right hon. Gentleman the President of the Local Government Board, proposed to repeal the later Act. What would happen? He would leave unrepealed the statutes of William IV.; and the consequence would be that half the schools in the country would still remain exempt, while the other half would become liable to this heavy tax. When the Bill of 1869 was introduced there were 1,400 Petitions containing 171,000 signatures. A great amount of popular feeling existed in favour of these schools. They were carried on without a shilling of cost by people who thoroughly possessed the confidence of the country, and whose work, by inculcating virtue, must lead to reduction of rating through diminishing the annual cost of crime. Now it was proposed to levy a tax which would amount in some cases to from 40 to 50 per cent of the present outgoings. At Stockport, for example, an excellent school of the value of £5,000 would probably be closed by the effect of such a provision as this. He hoped the right hon. Gentleman would reconsider the question; but if not, he should feel it his duty in Committee to go more fully into the subject. Great care was taken that these schools should be used for no other purpose than teaching, and he thought

they were fairly entitled to the consideration of the Government.

Mr. HUNT said, the conclusion at which he had arrived, after listening to the discussion which had taken place, was that the Government were trifling with the farmers in introducing these measures at the present time, and it was quite clear that the schemes of the Government were not intended to pass during the present Session, if it was intended to pass them at all. With regard to the first two Bills, the Government did not appear to have made up their minds on many important points, and had left them in very vague outline. The machinery proposed by the second Bill with regard to rating was the special and quarter sessions, when the Government had stated their intention of moving for the appointment of a Committee with the view of constituting a new local authority for local administration. Now, if the Government had any such intention, it was somewhat surprising that they should lay on the Table a Bill continuing the old machinery of the quarter sessions. These Bills showed that they had been introduced by the Government, not with the idea of passing them into law, but merely to prevent the hon. Member for South Devon (Sir Massey Lopes) from proceeding with his Motion on Local Taxation. There was no clear statement as to how country houses and public buildings were to be dealt with—all that was left as shadowy as possible, and as to the proposal to rate Government property it simply amounted to this—that a scheme was to be framed by the Treasury and laid before Parliament for confirmation. Parliament long ago made up its mind that all exemptions should be abolished, and if the Government had been in earnest on the question they would have had the Treasury scheme already prepared and they would have presented it to the House concurrently with these Bills. Bills which dealt with such intricate and difficult matters as were involved in the question of rating and taxing could not be expected to become law when they were not presented to Parliament until near the end of May. The Bill which dealt with valuation undertook to provide uniformity of valuation, but it really provided nothing of the kind. In the Bill which he introduced in 1867, it was

provided that there should be a valuation Board in every county to decide on the valuations and to issue instructions which should be binding on the different assessment committees of the county. But in the present Bill there was no such common authority for framing a scale of reductions. The Bill laid down what was to be the maximum; but there might be a very wide margin below that maximum within which the different assessment committees might act as they thought best, and the result might be, that several different scales for reductions would be in operation in one county. All this pointed to the fact that the Bill was not intended to become law, and that it had been introduced simply to make a show, and to serve the purpose of the moment. It was simply a skeleton Bill which the Government had made no attempt to fill up. If the two Bills were read a second time he presumed they would be sent to a Select Committee; if that was not the intention they had better be withdrawn at once, for it would only be a waste of time to proceed with them in their present shape. He did not think the appellate tribunal provided in the present measure was by any means so satisfactory as the one provided in the Bill which he introduced in 1867. In his Bill it was originally provided that appeals should be referred to a skilled barrister of so many years standing; but the Select Committee to whom that Bill was referred substituted a County Court Judge for the special assessor originally proposed. But in the Bill of the Government two appellate tribunals were proposed—the petty sessions and the assessment committee of the quarter sessions; and in that a very mischievous feature had been introduced into the Bill, which, if it were carried out, would add considerably to the expense of appeals. For his own part, he could see no reason for more than one appeal. He trusted, therefore, that the Government another year when they brought the subject forward again would place before the House a complete and mature scheme, and one which, above all, would work.

MR. STANSFELD said, the right hon. Gentleman who had just sat down had that evening exhibited a courage which he had never seen equalled by a man occupying the position which he

had done, and which he now did. The right hon. Gentleman was not content with disputing the merits of the measure, but had taken upon himself to define and determine the motives of the Government. He had stated that the measure was so inefficient as to be dishonest, and that it was not intended by the Government that the Bill should be passed during the present Session. Statements of that character did not become the right hon. Gentleman. And upon what foundation had the right hon. Gentleman based those statements? Upon a comparison of some small details of the present Bill with the details contained in a Bill formerly introduced by the right hon. Gentleman himself, and on a criticism of the schedule of the Bill. He (Mr. Stansfeld) had no intention, upon the second reading of this Bill, to discuss at length the schedule of deductions. There was only one way in which the question of reductions could be dealt with, and that was by scheduling the maximum reductions, and allowing them to be varied according to the local circumstances of each place. Local conditions varied so much that there might properly be a schedule which would allow variation in the reductions. He maintained that the Government had adopted the right course in providing a maximum, and allowing the local authorities, from local knowledge, to determine how they would deal within that maximum with the cases which arose before them. The right hon. Gentleman, having exhausted his small criticisms, fell back upon the Motion and the speech in support of it of the hon. Member for Salford (Mr. Cawley). That hon. Gentleman's objections to the Bill were of a very wide character. He said it was vague and indefinite; that it unsettled actual law, promoted litigation, and would be incomplete without further legislation. There was no foundation for these assertions. With respect to the charge of vagueness, the hon. Gentleman asked what was the legal meaning of the word "mine," and whether tracts of land from which clay and ironstone were taken without digging deep into the earth were to be assessed or exempted. But the hon. Gentleman before asking such a question, ought to have ascertained what the Bill did, and what the law on the subject was. Under the law as it existed land

*Mr. Hunt*

was rated from which clay or ironstone was taken, because they added to the annual value of the property and the profits of the soil. The only reason for extending the present law was that the Act of Elizabeth, by expressly exempting coal mines, had been held by the Courts of Law to exclude all other mines. Then, as to plantations, the hon. Gentleman asked how was it possible to value them? There was no necessity for supplying a method of valuation in the Bill, as no difficulty was now found in assessing the value of beech and underwood. The hon. Member thought, too, that the phrase "the value, taking one year with another," was very unsound, and not understanding it, he consulted a legal friend, whose views on the subject must have been somewhat hazy. There could be no difficulty in the matter, as the annual value would be ascertained by taking the average of a number of years. Then, again, the hon. Member attacked the measure because it was, as he said, incomplete—a skeleton—and that argument had been endorsed by the right hon. Gentleman the Member for Northamptonshire. It was incomplete, it was asserted, because it did not enter into all the difficult and complicated questions connected with rating—because it did not go into every detail as to the rating of mines, gasworks, and railways; and the hon. Gentleman charged the Government with having put before the House a Bill which was not worthy of their support. But the hon. Gentleman knew that the Bill was but a part of a larger scheme to which the Government were pledged, and if they had attempted to deal at present with all the complicated questions he had mentioned, they would have been fairly open to the charge of the right hon. Gentleman the Member for Northamptonshire of having introduced the Bills, not to pass them, but only for the purpose of delay. They had, in part fulfilment of their pledge, brought in Bills of limited dimension, but of much practical value. They proposed to abolish exemptions, but to do so it was not necessary to go into complex questions of value. The second Bill was a considerable measure of reform, but they desired to confine it within limits which would enable them to pass both measures—as he hoped and believed they would do—during the present Session. Under the Bill before

the House the same basis of valuation was secured for Government taxes and for rates of all kinds, while the litigation which now obtained, owing to a multiplication of appeals, was avoided. Now, any individual ratepayer might appeal against any rate, but, under the Bill, when once the valuation which might be appealed against was finally settled and came into force, no further appeal on the ground of valuation could be brought. He believed that had the Government undertaken a greater task they would thereby have postponed the consideration of the greater questions of local government and the relations of local and Imperial taxation, which must necessarily follow the enactment of the present measures. The hon. Gentleman had contended that the introduction of a surveyor of taxes tended to centralization; but if it were desirable to have the same basis for Imperial taxes, the income tax, the house tax and local rates, the Government had no option but to propose the appointment of an officer representing the Inland Revenue for the purpose of hearing and deciding such questions as might arise. The hon. Gentleman, too, overlooked the fact that there was an appeal from the decisions of that officer to the local tribunals, with an ultimate appeal to the Court of Queen's Bench. He would also remind his hon. Friend that the right hon. Gentleman (Mr. Hunt) provided in his Bill that there should be an appeal from the surveyor of taxes in the same way. The speech of the hon. Member for East Suffolk (Mr. Corrance), who had seconded the Motion for the rejection of this Bill, was to his mind a curiosity; and he had been really at a loss for a very considerable time to know by what ingenious process he would bring himself to second the Motion for the rejection of the Bill. From the speech he had made to-night, as well as on a former occasion, it was evident that there was a great deal in the Government measures, taken as a whole, which met his approval and commanded his support. But the hon. Gentleman had made a discovery as to the Act relating to the exemption of stock in trade from rating. He told the House that the Act was passed in 1844, at a time when the landowners were unavoidably absent from Parliamentary duties; but surely the landlords and sportsmen



of the country had not been absent in every Session since 1844 when that annual Act was before the House. The hon. Member seconded the Motion for the rejection of this Bill, because he said he traced in it the "cloven foot"—namely, that the Government did not intend to relieve the realty from any part of the burden of local rates, and that the provision in question was a declaration of that intention. He had much satisfaction in assuring his hon. Friend that it was no declaration of any such intention on the part of the Government; but that the object of the clause was simply to relieve the House from the necessity of passing an annual Bill, to which no objection was ever raised. Another hon. Gentleman (Mr. Pease) would be glad if he would take away all discretion from assessment committees in regard to the rating of mines, and fix a rule by which they were to be uniformly rated in every part of the country. To attempt that, however, would be impossible, and he was disposed to agree with the hon. Member for Cumberland (Mr. Percy Wyndham), that any such attempt would be certain to result in failure. It did not necessarily imply a want of courage or knowledge to decline to import into measures of this kind matters tending to cause an unnecessary difference of opinion; but upon these and other points of detail the Government were prepared to listen with deference to Amendments suggested by the special knowledge of hon. Members. The last question to which he would address himself was that raised by the hon. Member for Hackney (Mr. Reed) respecting the rating of Sunday and ragged schools. In a great deal that the hon. Member said he cordially agreed. He agreed with him entirely in his estimate in no wise exaggerated, of the benefit which Sunday schools had conferred upon the country, and in the merit claimed for those persons who gratuitously gave their services Sunday after Sunday, and year after year, in teaching the elements of morality and religion to those who might otherwise perhaps be destitute of them. But those considerations were not alone a sufficient basis for such an appeal as that made by the hon. Member. There were other matters that ought to be considered before a conclusion was arrived at. He was not at all forgetful of the Bill brought

in by the hon. Member in 1869. It was perfectly correct to say that the Government accepted it as a compromise, and, as a rule, no doubt a compromise once made should be adhered to; but he would draw his hon. Friend's attention to the fact that circumstances were entirely changed since that period. It was not then proposed to make the law one involving the abolition of all exemptions from rating; the principle of the Bill now laid upon the Table was the abolition of exemption from rating, and so far was the principle carried that it was proposed that Government property itself should no longer be absolutely exempt. It would, therefore, be seen that it would have been impossible for the Government to have voluntarily submitted a proposition to make property rateable, and not to have raised the question of abolishing the exemption enjoyed under the Act of 1869. He was perfectly prepared to admit that there were arguments which might be urged in Committee of much greater weight than the beneficial character of ragged and Sunday schools, and those arguments should have all the weight they deserved. For instance, what was the nature of the compromise characterizing the measure brought in by his hon. Friend? It was not a measure for the absolute exemption of the institutions in which he was interested; it was a permissive exemption which depended for its continuance on the common consent of the neighbourhoods. He was not prepared to say that the exemption need be everlasting, because the local authorities might themselves one day withdraw the exemption; but it was a distinction much in favour of permissive as against absolute exemption. If his hon. Friend proposed to leave out in Committee the words of the Act which repealed the exemption of 1869, he should be ready to consider whether that would be the proper course to take, or whether it would not be necessary to deal more generally with the subject-matter. Without absolutely pledging himself or the Government he might, however, say that there was so strong a *consensus* throughout the country in favour of these exemptions, that it was right to treat the feeling with respect. He could not conceive that his hon. Friend could put his views into a form which would not detract from the logical perfection of the Government

Bill; but when his hon. Friend's Amendment was before the House, and when he had stated his objections to the proposal, if it should then be the wish of the House to deal exceptionally with institutions of that character, he was not prepared to say that the Government would offer an obstinate resistance or consider the subject in an unfriendly spirit. He gave no pledge, however, until he had seen the form the proposal of his hon. Friend took, because it was one of some delicacy and danger as regarded the general principle of the Bill; but he should be glad to discuss the matter with the hon. Member for Hackney, whose arguments should have every consideration. As far as the second reading was concerned, he trusted that the House would be of opinion that no reason had been alleged why the Bill should not at once pass through this stage.

MR. SCOURFIELD said, he was afraid that long before the Bill left the hands of the House the "logical perfection" which the right hon. Gentleman who spoke last claimed for his measure would be destroyed, and the demand for the exemption of ragged schools from rating would show how very soon the House would deviate from strict rules and get into the consideration of practical matters. It appeared to him that only two Gentlemen had as yet expressed a determination to vote for the second reading, and one of them—the hon. Member for South Durham (Mr. Pease)—rather reversed the office of the prophet, and, instead of blessing the Bill, seemed to end by cursing it altogether. He himself regarded the Bill as an illustration of the "something-must-be-done principle"—at which he was always rather alarmed. The 7th clause, referring to the complaints of parishes where there was Government property, was also an excellent exemplification of another great principle—namely, "how not to do it," because it said that—

"The Treasury shall cause a Bill to be introduced into the House of Commons for confirming every such scheme, and if any Petition is presented to the House of Commons against any such scheme, or any part thereof, the scheme or so much thereof as is referred to in such Petition may, if it is thought fit, be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of a Private Bill, and the Treasury may appear in support of the scheme."

He did not envy the local authorities who had to pay the costs of such an opposition. In the name of the ratepayers he protested against the proposals of the Government being anything like a logical carrying out of the decision come to by such a large majority of the House of Commons last year. The position might be put in this way. There were two circles, one containing those who did not pay rates, and the other those who did pay. The people of the last circle wished that those of the other one should contribute something to the rates; but all that this Bill did was to shuffle the cards somewhat in reference to those who already paid, without bringing in those of the other circle to their support. He admitted that there was difficulty in rating many kinds of property; but this difficulty was surely no sufficient answer when there were many modes by which some arrangement to meet the justice of the case might be carried out. As to local administration, he thought that it would be dangerous to give further power of putting hands into other people's pockets without restraint. Besides, many of the acts of the local authorities were forced upon them by the Government itself. For instance, lunatic asylums must be provided by the counties, and that upon a scale which was very much determined by the Government Inspector. Further, the counties being compelled to do a certain thing, had not received from the Legislature sufficient powers properly to carry out the work. They had no compulsory power to acquire land, and in the event of having to enlarge the asylum, they were frequently at the mercy of persons who owned the adjoining land in reference to the price to be paid for it. Persons who did not pay rates were extremely energetic in forcing those who did to spend money, and were always ready to enlarge the expenditure. The non-ratepayers forced upon the ratepayers a scale of expenditure which to the latter did not seem necessary. They also annoyed the ratepayers by constantly lecturing them upon what was supposed to be their duty. They naturally complained, as the nigger did—"Preachee or floggee, Massa; but don't preachee and floggee both." It was said to be desirable to approach this subject piecemeal; but it was rather dangerous to do so by imposing burdens

and postponing exemptions, because you were sure to pay but not equally sure to receive. There had been a shadowy reference to some future Board of admirable prudence and virtue; but, whatever the failings of the magistrates, he had never found them err on the side of extravagant expenditure. They were almost over-careful of the public purse, and he did not think more economical administrators could be found. The tendency now-a-days to throw everything on the rates was an alarming symptom, and the prospect of new outlay under the Sanitary Acts and the School Acts was viewed with great anxiety. If you wanted to make people more patient under the pressure of rates, it was necessary to remove the existing inequality; but the Bill did not profess to do so, and merely shuffled the cards without affording relief. The character of this Bill reminded him of the old lines—

"Too bad for a blessing, too good for a curse—  
I wish from my soul it were better or worse."

The Government were mistaken if they supposed that this measure would satisfy the feeling which gave rise to the great majority in favour of the Motion of the hon. Baronet the Member for South Devon (Sir Massey Lopes) last year.

MR. STONE differed altogether from the view taken by the hon. Member (Mr. Cawley) who had moved the rejection of this Bill, that legislation on this question should be delayed until Her Majesty's Government had devised a better mode of dealing with the subject. If the Bill were not founded in justice it ought never to have been brought into that House by the right hon. Gentleman the President of the Local Government Board; but if it were founded in justice the various Committees were entitled to demand the immediate removal of the existing exemptions on particular classes of property, and every day's delay in legislating on this subject would be but adding to the injustice they had already been made to endure. On this ground, therefore, he hoped that the House would not listen to any suggestions in favour of further delay in dealing with this question. As to the justice of removing the exemptions enjoyed by Government property, he might state with reference to Portsmouth that the nation chose to carry on the trade of ship-building and ship repairing in that town

because it was the most convenient place they could select for their purpose, and not in order to benefit the town. The profit of the private manufacturer took the form of money and the profit of the Government dockyards took the form of national safety; but in both instances a profit was gained by carrying on the trade, and therefore the premises where such trades were carried on should equally be liable to contribute to the local burdens. This question was rising into greater importance than before; because, in consequence of the intention to establish military centres throughout the kingdom, the Government would shortly become possessed of a large additional quantity of property. He believed that the Government desired to do what was right in this matter, and therefore he wished to bring to their attention that it was desirable that there should be some better mode of assessing Government property. By this Bill the Treasury were to assess themselves, and there was to be no appeal from their decision which was likely to be of any value. The Treasury also were not to be called on to make any re-assessment until the local authority applied to them upon the subject. There was also no sufficient means for rectifying any improper assessment. It was true that a Report was to be laid before the House in the case of complaint; but there was no provision for carrying the matter any further. According to the Government proposal, a man in certain cases would be assessor of his own property, and the party before whom the appeal might be brought. What he thought would be accepted by the House with satisfaction was some such arrangement as this—that in places where Government property was situated the authorities in such places should name one valuer and the Treasury another, and in the event of a disagreement an umpire should be called in to decide the matter in question. That plan would be more just and reasonable when it was considered that in Portsmouth and other towns with large Government establishments there was generally a large amount of pauperism. He had been told that an effort had been made to value the Government property in Plymouth in this way, and that the valuers on both sides having agreed as to the value there was no need of calling in an umpire, and the matter

*Mr. Scourfield*

was satisfactorily settled. He hoped that the Government would consider this proposal, and the strong objections made to the Ministerial plan of assessing property before the Bill went into Committee.

Mr. STANHOPE said, the question which suggested itself to his mind was this—whether it was worth while to abolish those exemptions when the great exemption of personal property was not touched by the Bill. He recollected, when presiding at petty sessions in the West Riding of Yorkshire, as many as 70 appeals having formerly been on the list. All those matters were now settled by the assessment committees, and he had heard that during the last three years at the quarter sessions of the West Riding there were only four appeals decided and five appeals respited. He was very glad to hear from the right hon. Gentleman who had charge of the Bill that he was willing to consider favourably one at least of the exemptions which the Bill proposed to abolish—namely, the exemption of Sunday schools and ragged schools from rating. The feeling in favour of that exemption was very great throughout the country. In reference to the Valuation Bill, he thought the adoption of one general rating for all purposes would be very desirable if it could be carried out. But as to the appointment of a surveyor of taxes, the assessment committees would probably look upon such an officer with much jealousy. He hoped that his duties would be clearly defined, so as to prevent any misunderstanding between the local and the Government authorities. He highly approved the proposal of the Government—that the quarter sessions should be the final Court for the hearing of appeals. He should be disposed to establish the quarter sessions as the centre from which all arrangements should emanate, and in order to remove all objections as to this tribunal he thought it would be wise to allow certain representatives of the ratepayers to act upon the committee for the purpose of assessment. With respect to the valuations of mansions, he agreed with the remarks of the hon. Member for Salford (Mr. Cawley). In Clause 54 it was stated that the annual rent should not be estimated at less than the actual rent, except in particular cases. That appeared to him to be an unreasonable

impediment in the way of the assessment committee, and would give rise to much trouble and inconvenience. As to the rating of machinery, that was a very important question, and so was the rating of mills. The structures put up in connection with some of our textile fabrics were almost palatial, while in connection with metallic manufacturers they were often little more than sheds. Some different principle of rating seemed to be necessary in these two cases, and he hoped ample time would be given for the consideration of these points before the Bill went into Committee.

Mr. MUNTZ said, that every hon. Member must be aware that the question of rating personal property had occupied the attention of some of our greatest statesmen, and that not one of them had ever been able to arrive at a satisfactory solution of the difficulty. He concurred with the hon. Gentleman (Mr. Scourfield) in regarding this Bill as an excuse for the “something-must-be-done” policy. And having said that, he was sorry to add that there was very little else about it with which he could agree. He hoped it would come out of Committee a very different Bill from what it was now. For example, he strongly deprecated the attempt to rate such institutions as ragged schools, and other charitable institutions which were now exempt. His right hon. Friend (Mr. Stansfeld) had shown great moral courage in proposing to repeal this exemption, and he would certainly be defeated if he persisted in it. The question of mines he (Mr. Muntz) left to be dealt with by more competent hands, and then he came to the question of rating fishing and shooting. A cry had been raised that there was great difficulty in rating fishing and shooting, but he saw none at all. They had only to see what people would give for it to arrive at its value. They then came to the question of rating scientific and literary societies. These were sanctioned by a special Act of Parliament, and they had grown up under the protection and sanction of the Legislature. If these clauses should be condemned by the Legislature it would be a breach of faith towards everyone of these societies, and he trusted his right hon. Friend would not put himself in antagonism with those who were his best friends. The question of rating

steam power and machinery was one that would require careful consideration, because steam engines and machinery were not always attached to the freehold; but if they intended to rate them there was no reason why locomotives used for agricultural purposes, and thrashing machines, should not also be rated. At present the want of a definite principle of rating machinery produced great difficulty among overseers, great irritation among ratepayers, much litigation, different systems of assessment in different parishes, allowances in some, and in some instances no rate at all. The subject must be well considered in Committee, or the Bill would not pass this House. There should be no mistake about the matter—no shuffling, no quibbling. They must have a Bill that would answer the purpose for which it was required, or no Bill at all. Believing that the Bill, though incomplete, might be made a useful one, he should support the second reading.

MR. HENLEY contended that these Bills were not a fair response to the Resolution come to by the House last year, and would not allay the impatience—the “ignorant impatience” if you liked—which was pretty generally felt in town and country under the pressure of local taxation. With respect to the first Bill, it was perfectly true that a certain number of tubs were thrown out to the whale, but they were likely to catch merely some few persons, because the propositions did not go to the root of the question. On the contrary, the measure itself tended indirectly to perpetuate the system of inequality which was complained of two years ago. The manner by which they were to be brought into operation would create ten times more ill-feeling than the amount of money to be raised under them. There were no indications of the principle on which mines and timber were to be rated, or whether it was to be timber in hedgerows as well as timber in plantations, the fact being that in many parts of England the timber growing in hedgerows was infinitely greater in value than the timber grown within fences. Again, it was impossible to fix upon a hard-and-fast line for regulating the deductions to be made on account of repairs. The percentage which would maintain a house of £4 per annum would be totally inadequate to maintain a building of £1.

*Mr. Munts*

Repeated valuations acted as a sort of blister; they aggravated the people beyond anything, and were the cause of far more annoyance than the actual demands. Peace and quietness were worth something, and would not be dearly purchased by a few irregularities which could not be wholly redressed.

MR. COLMAN: Sir, the discussion to-night has travelled over a wide field. I have heard the hon. Member for East Suffolk (Mr. Corrance) express his respect for the members of the Cobden Club, but I am not aware whether this included the principles Mr. Cobden's name is identified with. He also discussed the question of how far the working-classes are represented in the present House. It is not to be wondered at that the discussion has thus extended itself from the Bills immediately before the House, for the question, as a whole, is most important, and I venture to think that when the country reads the debate on these Bills, it will be more particularly interested in the wider branch of the subject—namely, local taxation in general, than these particular rating and valuation Bills. The right hon. Gentleman who has charge of these Bills has told us to-night they are to be regarded simply as “part of a larger scheme,” and it is as such I accept them and trust they may be read a second time with a view to alteration in Committee. I think we may infer from what has been said, that in the part relating to Sunday and ragged schools the Government is prepared to yield to the general wish of the country, and continue their exemption from local rates. The hon. Member for Salford who has moved the Amendment to-night, complains of the Bills as unsettling the question. I confess that I fail to see this, but think with the hon. Member for South Durham (Mr. Pease) that so far as they go they remedy an injustice, for they bring under rating certain classes of property which have hitherto escaped. Now, Sir, we have been told in discussions which have gone on during the past few months, that those who have raised this question do not know where they are going. I must leave hon. Members opposite who more particularly represent the agricultural and landed interest, to answer this for themselves; but speak for the owners and occupiers of town

property, and more particularly of houses, I venture to say we are quite prepared for whatever consequences may result from this agitation, and that we are anxious for them too. At all events, if there be any fallacy in our complaint, it is quite certain to be pointed out. We have had some learned disquisitions as to whether the rates on houses fall on the occupier or owner. I venture to say with the hon. Member for Rochester, the rates press on both; and any one who happens to be the owner of property in highly-taxed towns will know that this statement is correct. Houses, moreover, wear out, and have to be made good. The bricks and mortar deteriorate as time goes on, but I do not find the taxes lessen in amount. I hold in my hand the Return of a certain block of houses in my own city with the taxes for the years 1862 and 1872. During those years, the houses have been lessening in real value. They have been—to use the phrase of the First Lord of the Admiralty—"consumed;" but I find the taxation on them remains practically the same—for though the poor rate has diminished, the Board of Health rate has increased to nearly a corresponding amount; and I have no doubt, if hon. Members will enquire into the facts in their towns, they will find this experience confirmed. But apart from the question of how far the taxes fall on the occupier or owner, I want to put the question, why there is this undue taxation at all on real property? Take the following case:—One man has £1,000 which he invests in real property—say in cottages—he pays income tax of course; but beyond this that particular £1,000 is subject to heavy local rates, and I am putting them moderately if I say £15 per annum. Now take another £1,000, put we will suppose into the shares of the London and Westminster Bank. It pays income tax, but as to local taxes practically nothing, or at least only an infinitesimal portion of the rates paid on the building in which the bank carries on its Business. Take again the question of machinery. The hon. Member for Salford spoke very forcibly of the anomalies of our present system, which are very great. One man may have £50,000 or £100,000 worth of buildings and machinery, which in certain trades would be a considerable portion of his capital,

for in some trades this item comes to 25 per cent, and in some to 50 per cent of the entire capital. He is subject to local taxes perhaps up to £1,000 per annum; whilst his neighbour who happens to have very little machinery or buildings, but simply stock-in-trade, escapes almost free. We have been told to-night that the time is past for taxing personal property. I am not urging that point now, but I am pointing out that there are anomalies which need some correction. If the Bills before us had been submitted as a settlement of this question, I would not vote for them; but trusting, as the right hon. Gentleman who introduced them has said, that they are only parts of a great scheme, and believing as I do that, so far as they go, they are honest attempts to remedy some amount of injustice, I support their second reading, looking for some modification when we get into Committee.

MR. ASSHETON CROSS said, nothing could be stronger than the representations made on this subject to preceding Governments by the very highest authority which had to deal with matters of rating—he meant the Court of Queen's Bench—that they should endeavour in some way or the other to lay down a better principle of rating, which should be a guide for the future, especially in the case of mines and railways. The Court of Queen's Bench recommended that some other better test of value should be provided than what a tenant from year would give for such property, because no tenant from year to year would be likely to take such property at all. Great disappointment would be felt by the public that the matter had not been more fully considered, and some great principle laid down by which the country should be guided. There was one point with respect to the rating of timber which, he believed, had not before been brought to the notice of the House. All matters of rating were connected with a beneficial occupation of the property to be rated. Supposing a man to come into a large estate with a great deal of timber upon it not ripe for cutting, though he should be only tenant for life and would not have any benefit from the timber, he would still have to pay all the rates, while the tenant who came after him would enjoy all the benefit. He thought

the Bill ought to provide some way by which such a tenant for life might recoup himself; and if it did not, its authors ought to explain upon what grounds a person was to be rated who could have no beneficial occupation of the property for which he paid rates. With regard to the rating of Sunday and ragged schools, he thought the House was decidedly opposed to any measure of that kind. He must express the greatest disappointment at the way in which the question of rating Government property was dealt with. There was one thing, at all events, which a Bill of this kind ought to do, and that was to lay down principles by which the rating authorities should be guided, otherwise the rating authorities would not only have to make the rate but to find out the principles upon which they should make it. It was quite true that in one part it was said they were to have regard to the circumstances of acquisition, appropriation, or use. Well, if the Government obtained a valuable acquisition for a song, were they to be rated accordingly? The rating authorities were to have regard to the effect of such acquisition, appropriation, or use on the rates of the adjoining district. Did that mean that if the Government erected buildings which raised the value of the adjoining property they were to be rated very low? On the other hand, if they depreciated the value of the adjoining property, were they to be rated very high? Then the Treasury, without any guidance in the Bill, were in their Report to lay down the principles upon which they acted in preparing their scheme. But what the principles should be was to be entirely at the pleasure of the Treasury itself. In that way what they would give with one hand they could take away with the other. It was quite clear that the Government had not probed this matter to the bottom, and the Bill was therefore in a crude and imperfect shape. Another point upon which he wished to make some remark, was the proposed system of appeal against the rules. It was a matter of complaint with reference to these, as well as other Bills, that they did not present a complete code of legislation on the subject with which they dealt. They incorporated a great number of Acts and left a great number of sections unrepealed, but no one except a lawyer could practically get

hold of the law. These Bills ought to have started afresh, and presented a complete code on the subject. The present system of appeal had proved perfectly satisfactory to all concerned. It was not very long since the assessment committees were formed; people were beginning to understand their working, and having started them they were now going to unsettle the whole matter and begin afresh. They were by the proposed newfangled system of appeal putting great expense upon the parishes, which in the long run would lead to no practical result. He would urge that the present assessment committee should be continued, and that there should be an appeal to the quarter sessions just as at present. The main sections of this Bill were taken almost *in ipsissimis verbis* from the Act for the assessment of the metropolis. Under that Act great inconvenience had been felt from conflicting decisions between the justices who had to sit in the county of Surrey, in Middlesex, and the City of London, and to avoid discrepancy of decision in matters of detail it was arranged that all these separate jurisdictions should send representatives to form one assessment sessions. So far as the metropolis was concerned nothing could be better; but when they applied this system to the counties the whole analogy failed, for each county had its own quarter sessions, and there were no conflicting jurisdictions whatever. He hoped the Government would look into this part of the Bill and leave matters as they stood.

SIR MASSEY LOPES said, he wished to enter his protest against the policy which the Government had thought fit to pursue in reference to the question to which these Bills related. He had never desired to deal with this question in any factious or party spirit. He wished calmly and candidly to consider the Government proposals, and to see how far they met the just expectations of the country, how far they fulfilled the pledges of the Government, and how far they carried out the decision of the House of Commons, expressed in the Resolution of last year. This was not a new grievance. It had been cropping up continually for the last 30 years. The sore had been continually growing and festering, but the attention of the country had been specially awakened to it during the last few years by the increase

of existing impositions, and the continuous addition of fresh charges for national purposes. In 1868 he first took up the subject, and asked for a Royal Commission. The right hon. Gentleman at the head of the Government refused that request, on the ground that it would lead to delay, and said that the Government would take it up as soon as the Irish Church question was settled. Since that the Irish Land, Elementary Education, University Tests, Army Regulation, Licensing, Ballot, and Public Health Bills had been introduced by Government and passed. In 1871, the right hon. Gentleman at the head of the Admiralty introduced Bills on this subject, but he (Sir Massey Lopes) would not further refer to them except to say that they admitted the grievance by professing to give £1,200,000 of Imperial taxation for local purposes. The Resolution which was adopted last year declared that no legislation would be satisfactory which did not remedy the injustice of imposing taxation on one description of property only. How had the Government met the grievance of which they complained? They had systematically and designedly evaded it. What they claimed was a re-adjustment of taxation between realty and personalty with reference to those objects which were national in their character, from which the whole community derived equal benefit, and over which expenditure, ratepayers had little or no control; but the Government had narrowed the question to a re-adjustment of taxation upon the same description of property. The Government had raised a false, distinct, and separate issue; they had drawn a red herring across the path in order to take them off the scent. These Bills were going to extend the very injustice of which real property now complained—to extend the very principle which was universally condemned. Instead of giving relief these measures were going to impose fresh burdens. They removed exemptions which now existed with respect to small portions of real property, but they did nothing with regard to the great exemption of all—exemption of personal property; on the contrary, they actually inserted a clause in their Bill formally and perpetually to exempt a portion of personal property which by law of Elizabeth and decision of Law Courts was rateable. They thus made

comparisons between real and personal property more odious than before, and the anomalies more apparent and conspicuous than before, and instead of meeting the grievance of which they complained they aggravated it in every possible form. He admitted that some of the proposals of the Government contained many valuable reforms and necessary improvements, while others were open to very serious objections; but none of these suggestions were new, nor were they necessary preliminaries to relief. There was one peculiar point in connection with these Bills. They consisted of general enactments, general principles, and abstract and vague propositions; but there was no detail and no prescribed way in which these principles were to be carried out. They simply said that mines were to be rated, that Government property was to be rated, and that sporting was to be rated. But Government property was to be rated by their own officials, while other property was to be rated by the local assessors, with the aid of the surveyors of taxes. He thought that would lead to a vast deal of litigation and contention, and any relief which they would get would be swallowed up by the expenses entailed by the operation of these Bills. What would be the effect of the Valuation Bill? To force up and increase all assessments for local as well as Imperial purposes; to raise the income tax and the house duty. By increasing the assessments you would only nominally lower the rate in the pound. The rate in the pound was no index of increase or decrease of ratable burdens. By raising the assessments you might have a reduced rate in the pound, and yet the expenditure might be very much increased. The Government had shirked the responsibility of adjusting the boundaries of parishes, unions, and counties by referring it to a Committee. After boundaries were adjusted, local self-government was to be re-organized, and, last of all, local taxation was to be investigated with a view to relief. If this was to be the order of things, he was afraid very few would live to see this happy consummation. He would like to illustrate their grievance in this way. Let them suppose that in the time of Elizabeth personal property only was rated, and that real property did not exist, that the relative portions of real



and personal property had been reversed, that personal property had then been the only or chief source of wealth, and that real property was comparatively unknown, and that consequently the chief burden of local taxation had been imposed on personal property instead of lands and houses. Would not the owners of personal property have agitated for the re-adjustment of those burdens, so that all property should pay alike? A hard-and-fast-line which existed 300 years ago might have been just then, but would be totally inapplicable now. Would they not under these circumstances have advocated Imperial imposts for Imperial purposes, and protested against their property being exceptionally mulcted for the benefit of the community. The Bill did not in any shape or form refer to the grievances to which the attention of the House was now called. Instead of settling everything the Bill would muddle and unsettle everything. He believed the right hon. Gentleman (Mr. Stansfeld) to be honest and earnest in his endeavour to solve the difficult problem in which he was engaged; but he had long odds against him on the Government bench. Very serious contingencies might intervene and interfere with any mere promise of relief postponed to an indefinite period. He did not say that these Bills were a pretext for delays, but this he feared would be the result. A bird in the hand was worth two in the bush. He thought the provisions of the Bills were not satisfactory, inasmuch as they did not touch the grievance complained of, they removed no anomaly, they relieved no injustice, on the contrary they aggravated and intensified it by extending the operation of the present unjust system.

MR. HIBBERT said, he was not surprised that the hon. Baronet should be dissatisfied with the Bills which the Government had placed before the House. At the same time, he must remember that it was only the first instalment of the scheme, the remainder of which was to follow. The hon. Baronet had denied that the abolition of exemptions would relieve the ratepayers; but it was clear that wherever, as in Westminster, Government property existed, as also in the parishes containing metalliferous mines, estimated to produce £11,000,000 or £12,000,000 annually, a sensible relief would be afforded. Instead of re-

lieving the local ratepayer by letting him put his hand into the Imperial Treasury, he would be relieved first in this way. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had described the Bill as intended to worry the ratepayers; but the fact was the very reverse, as he would doubtless admit when it came into operation, for instead of three or four assessments there would be but one, and while these were now subject to alteration every year the new valuation list would last five years. It was worthy of consideration whether, as urged by the hon. Member for South-west Lancashire (Mr. Cross), it would be desirable to call the magistrates and the Bar together specially for the hearing of appeals, which might be very few in number. As to the appeal to petty sessions, the Bill simply carried out the present law, merely giving the tribunal greater power as regarded valuation lists. Much had been said on the desirability of providing for the rating of mines, canals, and railways. Coal mines had been rateable since the reign of Elizabeth; and yet up to the present moment no uniform mode of rating them had been adopted. Therefore, the Government ought not to be censured for not at once defining the method of rating metalliferous mines, which varied in character much more than coal mines. The coal mines in Lancashire were at the present moment rated on three different systems. In some cases the profits, in others the coal rent, and in others, again, the coal rent together with the value of the sheds and buildings were taken as the measure. A gentleman of great experience in the rating of mines who had been in communication with the Government since they had taken up this question preferred the latter method. At his (Mr. Hibbert's) request, this gentleman drew up a scheme for rating coal mines, and it was shown to several gentlemen interested in the coal trade, but none of them approved it. No doubt, it would be most desirable to define some principle by the Bill, but the task was an extremely difficult one. This remark was also applicable to the rating of gas works, canals, and railways. In Scotland, the rating of railways was intrusted to a paid Government official, who rated the whole of the line, and apportioned the rates among the parishes through which it passed. That system

had worked well, but it could not be introduced into this country, where the general opinion was in favour of leaving such matters to the assessment committees. As to the rating of timber, an Act had been in operation in Scotland since 1854 and in Ireland since 1853. In Scotland wood lands were rated according to the yearly sum at which they might be reasonably expected to let from year to year as pasture lands. Well, when his right hon. Friend (Mr. Stansfeld) introduced this Bill he stated he had not inserted any definition on this point; but at the same time expressed his willingness to listen to any proposals which hon. Members might make. The hon. Member for Norwich (Mr. Colman), in speaking of his own town said, that between 1862 and 1872 the poor rate had decreased there, while the health rate had increased enormously. This, in his (Mr. Hibbert's) judgment, was a most satisfactory state of things, because the poor rate was a mere burden on the ratepayers; whereas the health rate was expended on objects which would benefit the ratepayers in the future. The hon. Member for the West Riding (Mr. Stanhope) supported the two Bills generally. The hon. Member for East Suffolk (Mr. Corrance), and other hon. Gentlemen had alluded to the rating of personal property. They maintained that the Bill did not go far enough, or it did not widen the basis of taxation. He asserted, on the contrary, that the Bill did widen the basis of taxation, though not in the direction those hon. Gentlemen desired. The rating of machinery had been spoken of; but there was a well-known rule of law that where machinery was attached to land it was rateable, and that where it was not attached to land it was not rateable. No doubt, it would be very pleasant to the owners of real property if they could impose a rate on personal property; but if this was difficult in former times it was difficult now. The late Sir George Cornewall Lewis, when examined before a Committee of the House of Lords in 1850 said, the law with regard to the rating of personal property was very obscure, and that the rating of stock in trade would give very little relief to the agricultural parishes. With respect to the rating of personal property, the system pursued in America had not given satisfaction, and he thought that the experience of America would

prevent this country from entering upon such a scheme. In conclusion, he remarked that as all the subjects brought forward to-night had reference to details, they might be considered when the Bill got into Committee.

Mr. FLOYER feared that there would be some difficulty in bringing together magistrates more frequently and from different parts of the country to hear appeals as a committee of quarter sessions. They would also labour under a great disadvantage in not having the assistance of leading members of the Bar. That was a great objection to a committee such as that which had been proposed in the Valuation Bill, and he was glad to hear that that portion of the Bill was likely to be abandoned. With regard to the difficulty of assessing personalty and stock in trade, no doubt the authority of Sir George Lewis on that point would be most valuable if that right hon. Gentleman's evidence had applied to the existing state of things. But the state of things had materially altered since that evidence was given, by the passing of the Union Chargeability Bill. By the present Bill the House was asked to sanction a new principle, for it proposed to assess the privilege or right of shooting and fishing. If the right was let, the rating would assume a tangible form. It would become rent, and would be easily assessable. If the land was let at a lower rate than its value, with the view of a large preservation of game, there was no doubt that the owner of the land ought to be assessed for game purposes. But if, as in ordinary cases, the landlord said to the farmer, "I promise you there shall be no quantity of game to do you the least injury," the case would be very different. In whose interest was it that the rights of shooting were to be assessed? Was it in the interest of the farmer or of the public? He thought the contention had found its solution in the complaints that had been made to the House with regard to the preservation of game, and justly, too, where preservation was carried to excess. But if an assessment was made on game, it would operate with great hardship where very little game was kept, and it would not be for the interest of the farmer that game should be assessed. There was one other matter to which he wished to allude, and that was the very

different manner in which the House dealt with taxation when the money came from the public purse and when it came from the local rates. The taxpayer had first the great advantage of the vigilance exercised by the Chancellor of the Exchequer, while the money could only be voted with due formalities by a Committee of that House; but when it came from the county rate very little vigilance was exercised, and there was no protection for the local taxpayer. When the question of local taxation was before the House he hoped this point would not escape the attention of the Government. The amount raised by local taxation was a very large sum indeed, and required equal protection to that which the Chancellor of the Exchequer exercised over the public purse. He thought his hon. Friend (Mr Cawley) had shown good reasons for hesitating before proceeding further with these Bills, and if he pressed the matter to a division he should give the Motion his support.

MR. DODSON said, the Rating Bill of the Government recognized this principle—that property which had not hitherto contributed to local burdens should contribute to them in future. The hon. Baronet the Member for South Devon (Sir Massey Lopes) complained that personalty was not brought in in aid of local rates; but personalty could never be locally rated, as it had not got “a local habitation and a name.” The law originally contemplated the rating of personalty, but owing to inherent difficulties, had been compelled deliberately to exempt it. There were, however, three ways by which personalty could be brought in in aid of local rates—first, by carrying further the legislation of Sir Robert Peel and making contributions from the Exchequer in aid of local charges carefully selected, so as not to destroy thrift and vigilance in local administration; second, in the mode proposed by the Government, by surrendering an Imperial tax in aid of the rates; or, lastly, by a mode which had not been sufficiently considered, and which would, perhaps, be after all the best mode—namely, that the Government should select some special object now carried out by local burdens and should take it into its own hands, defraying the entire expense. All these methods, however, presupposed a surplus, and one still available; whereas

the House of Commons had with one consent disposed of the year's surplus, and nobody had suggested that the Chancellor of the Exchequer should impose a match tax or increase the legacy duty in order to enable him to relieve local burdens. Under these circumstances, though he did not understand the Government to flinch from their former proposal—that Imperial funds should in some way or other be applied in aid of local taxation—that question must necessarily stand over for another year; in the meantime the House need not be prevented from passing a Bill which dealt with property capable of being locally rated but which had hitherto escaped through caprice or accident rather than intention of the law. Complaint might perhaps fairly be made that the question as to the incidence of burdens between owners and occupiers was not dealt with, and the expediency of transferring some existing burdens in whole or in part from occupiers to owners must be carefully discussed before the question of local taxation was disposed of. He trusted that the hon. Gentleman opposite (Mr. Cawley) would be satisfied with the discussion which had taken place, and allow the House to go into Committee on the measures without further delay, because it was in Committee alone that Bills of this character could be properly discussed.

SIR GEORGE JENKINSON said, the present Bill, though it went somewhat in the direction of a remedy, did not deal with the subject in a fair spirit, because its one ruling principle was to seek out every atom of real property upon which you could impose taxation, and to excuse personal property. When the House got into Committee upon the Bill he should move an Amendment that would go to the whole root of the question of taxing personal property. But the main question was—What good would the present Bill do in towns? He had received many communications from towns, and especially one from a large manufacturing town in the county he represented (North Wilts), urging the rating of incomes derived from Government securities and public companies. That was the point on which he would venture to move an Amendment when the Bill went into Committee, as personal wealth was the proper class of property which ought to bear the

burden according to the ability of the inhabitants. One [reason why he would not oppose the second reading of the Bill was the pledge which he understood the right hon. Gentleman (Mr. Stansfeld) to have given, that Government was not disinclined at some future time to go into the question of some relief from Imperial sources towards local burdens. He only wished to point out, with reference to the rating of timber, that there was no analogy between plantations in England and in Scotland. The Scotch plantations were generally on a hillside, amid land of little value; while in England, though generally on poor land which would grow nothing else, they were generally surrounded by land worth several pounds an acre annually.

MR. M'LAREN said, he should vote for the second reading, but he would like to see an alteration in the 2nd clause, which said that the Act should not apply to Scotland or Ireland. The effect of these words might not be seen at first sight; but, in his opinion, they would work a great injustice. In the City of Edinburgh there was a good deal of Government property, and the contribution of this Bill extended to Scotland might amount to £2,000 a-year as far as the city alone was concerned. Why, therefore, should the people of Edinburgh have to pay £2,000 a-year, while in England it was admitted that all Government property should contribute to the local burdens? What he would suggest was that the words, "this Act shall not apply to Scotland and Ireland," should be omitted from all clauses, except Clauses 7 to 11, which were the clauses which dealt with the poor-rate and its machinery.

MR. SCLATER-BOOOTH sympathized with the criticism which had been lavished on the Bill as a mere skeleton of a Bill, and said, that the parishes in which Government property was situated were looking forward to deriving a great boon from it. Government property was of two separate kinds. When Government stood in the position of an employer of labour or occupier, there could be no question that the property should be rated; but it was quite a different thing to speak of rating the Government establishments, such as those in London and elsewhere. He did not know whether the Houses of Parliament were to be rated; but if so, why was the parish of St. Margaret to

receive £8,000 or £10,000 a-year from property which had never been rated, and was never intended to be rated? So with regard to the public buildings in Whitehall, which must be rated at probably not less than £50,000 a-year. If a rate of 4s. was contributed, the contribution would be equal to £10,000 annually to the parish. It had been too hastily assumed that it was a matter for congratulation that Government property was to be rated to the relief of the poor.

MR. CAWLEY, satisfied with the result of the debate, and reserving his right to move Amendments in Committee, would not trouble the House to divide.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for Monday 9th June.

#### VALUATION BILL—[BILL 147.]

(Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen  
Mr. Hibbert.)

#### SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Stansfeld.)

MR. CRAUFURD said, there was one point which had not been raised in the discussion just concluded, and that was whether they were to confirm and extend the system of having a gross value and a rateable value—a gross value for public taxation and a rateable value for local taxes. As far as Scotland was concerned they would resist any such proposal because they had had experience of such a system, and there was nothing the Scotch people were crying out more against than the rateable value for their Poor Law. In Scotland they had the gross value as the basis of all local taxation, except in the case of the poor-rates, and nothing was so demonstrated before the Committee which sat on the Scottish Poor Law as the determination of the people to remove from their system of local taxation that blot of having the poor-rate provided upon rateable value alone. If they would take the system of having the gross value as the sole basis of all local rating in England, he thought they would avoid many difficulties.

In reply to Mr. HUNT, MR. STANSFELD said, it was not proposed to refer the Bill to a Select Committee; it was quite ready for discussion in Committee of the Whole House.

Motion agreed to.

Bill read a second time, and committed for Monday June 9.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

COLONEL BARTTELOT said, that the Supreme Court of Judicature Bill was fixed for Monday, the 9th June, as was also the Education Bill. Now he understood the two Bills just read a second time would be on the Paper for the same day. He wished to know which Bill would be proceeded with?

MR. GLADSTONE: The Supreme Court of Judicature Bill, and before that Monday they would state the course to be pursued with the other Bills.

#### NATIONAL EDUCATION COMMISSIONERS—THE CALLAN SCHOOLS—DISMISSAL OF REV. MR. O'KEEFFE. NOMINATION OF SELECT COMMITTEE.

Select Committee on the Callan Schools:—On Motion of The Marquess of HARTINGTON, Mr. Secretary CARDWELL, Mr. GATHORNE HARDY, Mr. WHITBREAD, Mr. BOURKE, and The O'CONNOR DON nominated Members of the said Committee.

MR. VERNON HARCOURT, who had given Notice of his intention to move, as an Amendment, the addition of the names of Dr. Lyon Playfair and Mr. Cross, said, it was with much regret he found the Motion made without explanation on the part of the Government. The justification of his unusual Amendment was to be found in the peculiar character of the Motion. The question to be considered by the Committee was the conduct of an Executive body; and one would have thought that the party to have sat in judgment upon that Executive body in the first instance was the responsible Government of the Crown. He regretted that the Government had not formed and expressed an opinion upon the conduct of that body instead of transferring their responsibility as a Government to the House of Commons. It was in the power of the Government to deal with the National Board if they thought it

was in the wrong. The Government had said, that the Board had been misrepresented and misunderstood; but the Board seemed to have assumed the character of the lady on the French stage, the *Femme incomprise*. By whom was the Board misunderstood? not, he presumed, by Her Majesty's Government. He could not vote against the appointment of the Committee, because he could not share the responsibility of a course which might result in the extinction of the National Board. But, in accepting the Committee, it was desirable they should know what it was to do when it was appointed. That was exactly the thing which the Government had never told them. The Order of Reference was one of the most ambiguous he had ever seen placed on paper. It said the Committee were to report on the circumstances connected with the Callan Schools. That might mean anything, everything, or nothing. He learnt from general rumour that the Committee were only to consider the facts of the case; but the House had never been informed authoritatively that there was to be any such limitation to their province. Even assuming that they were only to investigate facts, experience had taught him that one of the most difficult things in the world to ascertain was a fact, and that when the fact happened to be an ecclesiastical fact, its ascertainment was not difficult, but impossible. That was not a matter merely affecting the schools of a parish in Ireland; it involved one of the largest questions which could possibly be conceived, and which was now agitating every part of Europe—namely, how far ecclesiastical authority was or was not to be supreme over the civil authority of the country? It was because the Government knew that to be its character that they preferred to cast the responsibility of deciding it on the House rather than take it upon themselves. Therefore, the House could not be too careful at every stage in seeing that the ground on which they went was firm. This was, indeed, a preliminary step. But it was a step in a very important proceeding. In so grave a matter the House ought to have had more time to consider how the functions thus thrown on it should be discharged. As to the composition of the Committee, everybody would feel that the Gentlemen proposed were as fit as any that could

be named from either side of the House. But that was not the whole question. A Committee of five Members was not a usual thing in that House, and was adopted only in very exceptional circumstances. Why had such a Committee been proposed in that instance? Either the Government should take the responsibility of deciding that most momentous issue or should decline it; but he could not understand why they should throw the responsibility on the House and at the same time keep the balance of power in the hands of the Government. In a Committee of five the weight of the casting vote of the Chairman was far greater than in a larger Committee. Unless there were three to one against the Chairman, no proposition adverse to his opinion could be carried. It might be said that was immaterial because the Committee was not to report opinions, but facts; but it was impossible to distinguish between that which was a fact and that which was an opinion. If, for example, they reported that the course taken by the National Board was in conformity with the precedents on which it had acted in former instances, he supposed that would go a long way to decide this case. But he asked, whether a finding that it was in conformity with former precedents was a fact or an opinion? The question, therefore was, whether the House should delegate its authority in regard to a question of that magnitude to so limited a body as five of its Members, however unexceptionable their names might be. Not one of the five Gentlemen proposed was chosen from below the gangway on either side. Why should not the Committee be composed from all sections of the House, so as to be adequately representative of its authority? The names he had to submit to the House were equally unexceptionable with those proposed by the Government, and his Amendment was conceived in no hostile spirit. The hon. and learned Gentleman concluded by moving his Amendment.

Motion made, and Question proposed, "That Dr. Lyon Playfair be one other Member of the said Committee."—(*Mr. Vernon Harcourt.*)

THE MARQUESS OF HARTINGTON said, that if the House generally were disposed to consider the enlargement of the Committee desirable, the Government

did not desire to offer any serious opposition to the adoption of such a course. Nothing, however, which had fallen from the hon. and learned Gentleman who had just spoken had convinced him that it was expedient the number of the Committee should be extended. The Government had no intention, he could assure him, in appointing it, that it should enter into the question whether the Roman Catholic Church was to exercise a less or a greater influence in State affairs, but that it should ascertain the facts of a case upon which they themselves as well as the House would ultimately have to come to a decision. The majority of the Commissioners were anxious to obtain a hearing before their conduct was condemned, for, although the bare facts might have been already before the House, they felt that they ought to have an opportunity of stating what had been their previous practice and what were the rules and principles on which they had acted—matters which could not, in the opinion of the Government, have been satisfactorily elucidated by means of a discussion in that House. They therefore thought it was an act of simple justice that the Commissioners should be heard, and there was in the Order of Reference nothing whatever which invited the Committee to pass judgment on their conduct. He should be surprised, indeed, if a Committee of that House travelled so far beyond the Order of Reference as to pronounce any such judgment. As to the composition of the Committee, the Government thought the duties which it would have to perform would be best discharged if its number were small, while they deemed it unnecessary to appoint a large Committee which would be in some degree supposed to be, though it would not be in reality, representative of the various opinions in the House. As to having no Members below the gangway on the Committee, he would merely remark that some of those who had been named—such as his hon. Friend the Member for Bedford (Mr. Whitbread) and the hon. Member for King's Lynn (Mr. Bourke)—must be considered as independent as any that could be chosen. The speech of his hon. and learned Friend went much further than his Motion. He could only express his great astonishment that, with the view which his hon. and learned Friend entertained

of the functions of the Committee, he should have voted for its appointment at all. If, he might add, the object of the Government had been, as had been alleged, to secure delay, they could best have attained that object by making the Committee a larger one—nominally representing all parties in the House—who would have deemed it necessary to call a great number of witnesses. But the House, he thought, would agree with them that a small Committee, fairly selected, was the best calculated to arrive at the result which the majority of hon. Members had in view. He hoped, therefore, the proposal of the hon. and learned Gentleman would not be accepted.

LORD JOHN MANNERS said, this Committee must either be of importance or it ought never to have been appointed at all. If the functions it had to discharge were of importance he objected altogether to its constitution, because, having gained considerable experience by serving on Committees appointed to investigate delicate subjects, involving religious or political questions, he knew the unfortunate results which followed from Ministers and ex-Ministers being placed on them. He thought that five gentlemen might have been selected to serve on this Committee whose judgment would have been accepted outside that House as being perfectly impartial without having recourse to Ministers or ex-Ministers. He thought it very unfortunate that the Government should have thought it necessary to place a Member of their own body and a Member of the ex-Government on the Committee. He should therefore support the Amendment.

MR. BOUVERIE said, his hon. and learned Friend below the gangway (Mr. Harcourt) must by this time have repented of having allowed his innocence to be seduced by the noble Lord so far as to induce him to vote for the appointment of this Committee, because the result of this discussion was to show that no such Committee ought to have been appointed. The House, however, having decided the other evening by a small majority that the Committee should be appointed, all they had now to do was to see that it was properly constituted. The names of the Gentlemen who had been mentioned were unexceptionable, but he could not lose sight

of the fact that the Secretary of State for War had been mixed up with this Education Board ever since its establishment—indeed, the right hon. Gentleman was the parent of it, and it was just possible that parental partiality might tend to cloud the ordinary clearness of his vision when the existence of his child was at stake. With regard to the duties of the Committee, what the aggrieved parties asked for should be done, their statement should be heard, and what they said in their defence should be reported by the Committee to the House. Let the House accept the proposal of his hon. and learned Friend, because both the Gentlemen he had named were capable men, in whose impartiality the country could confide. Let the statement of the facts by this Committee be stamped by the authority of these hon. Members, as well as the five Gentlemen whom the Government proposed. He had heard objections taken out of doors to the composition of this Committee, in which he himself did not share; he had declined to resist the appointment of it; but he thought there ought to be some understanding as to what the Committee was to do.

MR. NEWDEGATE: From the memorial presented by a section of the Commissioners to the Government it is perfectly clear that the majority of the Board of National Education in Ireland have already submitted their case to the Government. Are we, then, to understand that this Committee is to pronounce a judgment upon a judgment, pronounced by the Government upon the conduct of the Commissioners in the matter of Mr. O'Keeffe's displacement. It appears to me, that this would be a most extraordinary proceeding. Is the Government the Executive of the State or is it not? With whom rests the power of judging of the conduct of those Commissioners? Does it rest with Her Majesty's Ministers? I believe it does. Well, then, I want to know, if Ministers have already identified themselves by approval with the conduct of these Commissioners, why they now ask this House to intervene at all? For if they have approved of the conduct of the Commissioners, what reason have they for appealing to this House, except that by the appointment of this Committee they seek the judgment of the House upon their own conduct, just as much as

upon the conduct of the Commissioners? I cannot, for the life of me, see anything but confusion in this proceeding. This House has means of its own of pronouncing a verdict on the conduct of the Government, without the intervention of a Committee. The right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) has given Notice of a Motion impugning the conduct of the Commissioners. What does the Government then do? It puts in a plea for delay by asking us to appoint a Committee to inquire into—what? To inquire into the conduct of this National Board, whose conduct they have already approved. I repeat that I can see nothing but confusion in such a proceeding. If, however, the House is pleased to appoint a Committee, by all means let it appoint a good Committee; and, I believe, that the additions which are proposed by the hon. and learned Member for Oxford (Mr. Harcourt) will make the Committee more satisfactory. Still, I want to know upon what points the Committee is to direct its investigations. Is it to be on the conduct of the Commissioners for National Education in Ireland, distinct from that of Her Majesty's Government; or is it to be upon the conduct of Her Majesty's Government, as having approved of the course which has been pursued by the Commissioners? That is what the House ought to know. What is this Committee to do? Into what is it to inquire? There are several questions which may well be inquired into; one of them is, what is the nature of the jurisdiction which the Commissioners have acknowledged in the person of the Pope's Legate, Cardinal Cullen. Whether the Government have excepted the jurisdiction of Cardinal Cullen on the recommendation of the majority of the Commissioners? ["Oh, oh!"] Hon. Members seem very impatient. I can quite understand Gentlemen who entertain Ultramontane opinions objecting to any question being raised as to the jurisdiction exercised by Cardinal Cullen. It is quite natural that, as Ultramontane Roman Catholics, they should wish the authority of Cardinal Cullen to be undisputed and supreme. The question which is at issue here has just been tried in Germany and decided by the German Parliament. The Commissioners wish a verdict to be pronounced in their favour by the Parlia-

ment of England; but that would be a verdict, which I believe the people of England would not approve. Are we to understand that the German newspapers have reason for asserting that their Government and Parliament have the courage to resist the intrusion of this Papal authority in matters of education, and that the Government and Parliament of England have either not the courage or the will to oppose this intrusion? These are large and important questions, and I want to know if the Committee are to enter upon them? Then, there is another question. I hold in my hand the statement of Mr. O'Keeffe, and he appears to be supported in this by Professor O'Hanlon, of Maynooth, a high authority on Canon law. Mr. O'Keeffe says that he is prepared to yield canonical obedience to his ecclesiastical superior; but Cardinal Cullen says that his view of canonical obedience is perfectly erroneous. How far are the Government of this country to accept the decisions of these Papal Canonists? These are important questions to refer to the Committee, and if it is improper to entertain them, as he now appears to think, why did the hon. Member for the county of Cork (Mr. Downing) vote for the appointment of this Committee? Surely, if we are to appoint a Committee, we ought to know what are the subjects to be referred to it; and as it is nominated by the Government, how shall we know what these subjects are, except by asking the Government to inform us? Is this Committee, then, to hear the Rev. Mr. O'Keeffe? If it does, he will present to the Committee exactly the same case that was submitted to the Committee on Mortmain in 1851, by priests of the Hexham district, in the North of England, who feared being excommunicated, and who prayed that they might not be subjected, through the English law, to the penalties of the exaggerated Canon law of Rome, which law Cardinal Cullen is now attempting to enforce. Evidence upon this subject was given before the Select Committee on Mortmain, which reported in the year 1852. Again, I ask, with regard to the questions to be considered by this Committee, is the Committee to hear the Rev. Mr. O'Keeffe? I call upon the Prime Minister to say whether Mr. O'Keeffe is to appear before the Committee? And I hope the right hon.



Gentleman, or some Member of the Government, will answer that question, which I once more repeat—is Mr. O’Keeffe to be heard before the Committee, which it is now proposed that the House should appoint?

MR. JAMES said, there must be a very general feeling that the Committee should be so appointed that the inquiry should be full and impartial. He would therefore suggest that, as it was a matter in which a large number of Roman Catholics in Ireland were interested, one of the names proposed to be added to the Committee by his hon. and learned Friend the Member for Oxford (Mr. Harcourt) should be that of some hon. Member who sat for an Irish constituency. [“Name.”] Well, as he was called upon to name, he might, perhaps, mention his hon. and learned Friend the Member for Dungarvan (Mr. Matthews) as a person in whom the Irish people would have confidence.

MR. GLADSTONE said, that as the hon. and learned Member for Oxford (Mr. Harcourt) did not seem disposed to accede to the suggestion which had just been made, he must take his Motion as it stood. Now, the grounds on which the Committee had been originally proposed were based upon grounds of justice as well as of policy and grace, and it would, he thought be matter of regret that the step which the House had already taken in the matter should be deprived of that character by anything which might be done that evening. The number five had been proposed by the Government because they were of opinion that it would greatly conduce to the despatch of the proceedings of the Committee that its number should be small. But it was not the numbers five or seven, but, what was to be the composition of the Committee, which was really at issue on the present occasion. Upon that point the view of the Government was that it should be a Committee which would command the confidence of the people generally, and especially of those who were directly interested in its proceedings. He did not refer to the Roman Catholic Members of the House; he referred to the people of Ireland, who viewed with suspicion the proceedings of the National Board. The Roman Catholic people of Ireland generally, and the Protestant people of Ireland to a very large extent, were deeply inter-

ested in the maintenance and prosperity of the system of national education, which was partly bound up with the National Board of Ireland, and he might be permitted to say that if there was one section of persons in Ireland more distinctly and warmly interested in the National Board and in the system of education in Ireland than another, it was those friends of liberal education and mixed education whose opinions and whose feelings were to be consulted on this occasion. The earnest desire of the Government under these circumstances was not to appoint an ill-balanced Committee, and they had done everything in their power to make it a fair one. Nothing had been said against its composition, indeed, by anyone except his right hon. Friend the Member for Kilmarnock (Mr. Bouverie), who spoke of it as the child of the Secretary of State for War, forgetting that his right hon. Friend was not Secretary for Ireland in 1831. [MR. BOUVÉRIE: The Board has been entirely altered since.] Yes, the numbers were altered from 13 to 20, but its composition, so far as the admixture in it of members of different religious persuasions was concerned, continued to be the same, and its spirit was that which it had received from Lord Derby, with the assent of all parties in that House. That being so, was it desirable that the composition of the Committee should be changed? His hon. and learned Friend the Member for Oxford, indeed, contended that the Government had abdicated their responsibility, and had delegated to a Committee the province of judging how far ecclesiastical authority was to be supreme in Ireland. But if that responsibility ought not to be delegated to a Committee of five, neither ought it to be delegated to a Committee of seven Members. The Government always maintained that they must ultimately be responsible for the proceedings of the National Board. That had been explicitly stated by his noble Friend the Chief Secretary for Ireland, as well as by himself, last year; but they added that they did not think the time had come for passing judgment on the conduct of the Commissioners. It was on the same ground that they declined to pass judgment upon it when the Motion of his right hon. Friend the Member for Kilmarnock came under the notice of the House, but their responsibility the

*Mr. Newdegate*

Government had never attempted to abdicate, and he again repeated that they were ultimately responsible for reviewing that conduct, and for either disapproving or supporting it. As to the names of the Committee, they were those of men who could not be supposed to have any disposition to recognize the supremacy of ecclesiastical authority, and although the popular feeling of Ireland had but a limited space upon it, he thought its composition ought to be satisfactory to all parties. His hon. and learned Friend now proposed to add to it two hon. Members whom he selected from below a line to which he seemed to attach much greater importance than any other line in that House, and he, for one had no wish to say a single word which might be regarded as disagreeable with reference to the hon. Gentlemen named. No one could fail to see that the Motion of the hon. and learned Member was intended to alter the complexion of the Committee. The hon. Member for the University of Edinburgh (Dr. Lyon Playfair) had been placed by circumstances, possibly against his own will, in a position antagonistic to the feelings of a large majority of the Irish people on the question of education in that country, and the name of the hon. Member for South-west Lancashire (Mr. Cross) was calculated to excite apprehension and alarm in the minds of 4,000,000 of our Roman Catholic fellow subjects. If it was thought right to alter the numbers of the Committee, he trusted the House would not impair its usefulness by making additions to it of an avowedly one-sided character. To the proposition of his hon. and learned Friend he could not consent.

MR. SERJEANT SHERLOCK said, if the composition of the Committee was not satisfactory to the people of Ireland its proceedings would have no weight in their minds. He approved of the proposition of his hon. and learned Friend the Member for Oxford (Mr. Harcourt), and thought a Committee of seven would not be too large, and should not object to a Committee even of 13, 15, or 17.

Question put.

The House *divided*:—Ayes 200; Noes 182: Majority 18.

Motion made, and Question put, "That Mr. Cross be one other Member of the said Committee."—(Mr. Vernon Harcourt.)

The House *divided*:—Ayes 205; Noes 165: Majority 40.

Motion made, and Question proposed, "That the Select Committee have power to send for persons, papers, and records."

MR. M'CARTHY DOWNING gave Notice that to-morrow he would move that Mr. Newdegate and Mr. Whalley be added to the Committee.

SIR PATRICK O'BRIEN, wishing that the matter should be considered by a fuller House, moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Sir Patrick O'Brien.)

MR. GLADSTONE said, he hoped the debate would not be adjourned. If the hon. Member wished to add other Members to the Committee, he might make a substantive Motion to that effect; but whatever might now be said of the composition of the Committee he thought the investigation should be conducted with all possible despatch.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Power to send for persons, papers, and records; Three to be the quorum.

#### PUBLIC PROSECUTORS BILL.

On Motion of Mr. Secretary BRUCE, Bill for the appointment of a Public Prosecutor, *ordered* to be brought in by Mr. Secretary BRUCE, MR. ATTORNEY GENERAL, and MR. WINTERBOTHAM.

Bill *presented*, and read the first time. [Bill 173.]

House adjourned at a quarter before Two o'clock.

#### HOUSE OF LORDS,

Friday, 23rd May, 1873.

MINUTES.]—PUBLIC BILLS.—*First Reading*—Gas and Water Provisional Orders Confirmation (No. 2)\* (125); Consolidated Fund (£12,000,000).\*

*Second Reading*—Land Titles and Transfer\* (85); Real Property Limitation\* (86); Metropolitan Commons Supplemental\* (110);

Railways Provisional Certificate \* (111); Crown Lands \* (117); Local Government Board (Ireland) Provisional Order Confirmation \* (115).

*Second Reading*—Committee negatived—*Third Reading*—Peace Preservation (Ireland) (123), and passed.

*Committee—Report*—Sites for Places of Religious Worship \* (61-128); East India Loan \* (109).

*Report*—Oyster and Mussel Fisheries Order Confirmation \* (95); Pier and Harbour Orders Confirmation \* (96).

*Third Reading*—Australian Colonies (Customs Duties) \* (91); Superannuation Act Amendment \* (113); Registration of Births and Deaths \* (100); Marriages Legalization, St. John's Chapel, Eton \* (99), and passed.

PEACE PRESERVATION (IRELAND)  
ACTS CONTINUANCE BILL.

(*The Marquess of Lansdowne.*)

SECOND READING. (NO. 123.)

Order of the Day for the Second Reading, read.

THE MARQUESS OF LANSDOWNE, in moving that the Bill be now read the second time said, that the measure, which came up from the Commons, was a Bill to continue the Peace Preservation (Ireland) Act of 1870 and the Protection of Life and Property Act of 1871. The Government regretted the necessity for the renewal for another year of what they admitted to be exceptional legislation; but acting on the best advice they could obtain on the matter, they had come to the conclusion that in the interests of Ireland herself it was their duty to bring forward this Bill. As showing that the Acts had been attended with good results, he might mention that whereas in 1870 the number of agrarian offences in Ireland was 1,329, in the following year the number fell to 373, and in 1872 to 256. By the Bill now before their Lordships it was proposed to modify the Act of 1870 in three particulars. Under the Peace Preservation Act, the fact of a district being proclaimed was held to be evidence that it was in a state of disturbance within the meaning of a code of laws known as the Whiteboy Acts. That provision was not re-enacted in the present Bill, for the future the prosecution would have to prove that the district in question was in a disturbed state. In the next place, it was provided that notice given to any newspaper before the passing of this Bill, in pursuance of the 30th clause of the Act, should not subject the pub-

lisher or proprietor to any penalty or proceeding in relation to anything published after the passing of this Bill—but that a fresh notice must be given. The third modification would remove a doubt which had arisen in connection with the existing law, and would enable any person summarily convicted under the Peace Preservation Act of 1870, and sentenced to a term of imprisonment exceeding one month, to appeal against such conviction. With these modifications, the Bill proposed to continue the Peace Preservation Acts to the 1st June, 1875.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Marquess of Lansdowne.*)

THE DUKE OF RICHMOND said, it was not satisfactory to find that Ireland could only be governed by exceptional legislation. He had no opposition to offer, but the question was one of such vital importance to Ireland that, without the least disrespect to his noble Friend (the Marquess of Lansdowne), he thought the measure should have been introduced to their Lordships by a Member of the Cabinet. It would certainly have been more satisfactory to his side of the House if the Government had shown some indication of interest in what he (the Duke of Richmond) could not but look upon as a very grave state of affairs.

EARL GRANVILLE said, he thought the remarks of the noble Duke entirely uncalled for. By an arrangement among Ministers his noble Friend (the Marquess of Lansdowne) usually took charge of the Irish business in their Lordships' House. He was free to admit that if the Bill was one proposing an original enactment, their Lordships might expect that it should be introduced by a Member of the Cabinet; but, seeing that it was a continuance Bill, and with the objects of which everyone was perfectly familiar, and which, instead of increasing, diminished the severity of an existing law, he could not think there was any good ground for the objection of the noble Duke. He believed he had the concurrence of his Colleagues when he said that in the manner in which the noble Marquess had stated the provisions of the Bill he had left nothing to be desired, and that the duty could not have been performed with more ability by any Member of the Cabinet.

THE EARL OF LONGFORD said, it was to be regretted that after the passing of the Church Act and Land Act, not to speak of the Juries' Act—which towards the innocent and the guilty seemed to deal with equal impartiality—a renewal of the Peace Preservation Acts should have been found to be necessary by the Government which had introduced those other measures. As a resident in one of the counties in which these special Acts had been in force, he fully concurred in the necessity of continuing them. He had never heard that the provisions of the expiring Acts had been oppressively applied, or that well disposed citizens had suffered any inconvenience from their operation. On the contrary, he had heard the wish expressed that the Lord Lieutenant would apply with more vigour the power which those enactments placed in his hands, and he had heard these sentiments even from persons who in public took opportunities of denouncing the Acts as unconstitutional and unjust.

LORD DUNSANY thought that if a different and more definite policy had been pursued towards Ireland, such Bills as this would not have been necessary; but we must hope for better times.

LORD ORANMORE AND BROWNE said, he would first ask the noble Marquess (the Marquess of Lansdowne) to explain what was the 8th clause which was not re-enacted under the present Bill? In 1871, when the Westmeath Act passed, he had proposed to include Mayo. Her Majesty's Government had accepted the responsibility for not doing so, but there was no doubt had that Act included Mayo, the murder of a man named Tunbridge would not have taken place. He then showed that the prevalence of crime in Mayo was greater than in Westmeath, and now the noble Secretary for Ireland, in "another place," stated there had been eight undetected murders committed in the year 1872 in the county of Mayo, besides many other serious crimes, a number greater than Westmeath. Why, then, did not Her Majesty's Government propose to afford the same protection to life in Mayo which had stayed crime in Westmeath? But he thought the House and the public should now, when this Parliament was near its close, consider how far the Irish measures and Irish policy of Her Majesty's Government had

produced, or were likely in the future to produce, a beneficial or injurious effect, both as regarded the internal peace of Ireland and on the relations of the two countries to each other. He knew their Lordships disliked all long discussions, especially on Ireland, but he thought a very lamentable state of things was evidenced by the necessity of constantly re-enacting coercion Bills, and as no Member of the front benches thought it well to enlarge on this matter, he felt it his duty, as shortly as possible, to endeavour to place the true bearings of the case before the House. What was the effect of disestablishing the Irish Church? Half of the property of the Church was absorbed in buying up the life interests of the clergy. As the Act passed, justice to them demanded this, but by a less precipitous method of disestablishing, this large sum might have been saved to the public; but it should be borne in mind, that, beyond a sum given in lieu of property left to the Church from private benefactors, not one shilling of her property was left to her, while about £600,000 from her funds was unconditionally handed over to Maynooth, which was applied to the support and training of Jesuits, a Body religiously and politically hostile to every institution of this country, and one whose presence had been found so injurious to the common weal that now and in former times there was not a country in Europe from which they had not been expelled. Thus far Protestantism had been disendowed and Popery endowed, and later he would call the attention of the House to proposals already made to hand over the large surplus of Church property to the Roman Catholic Church. He would now say a few words as to the working of the Land Bill. He would not dwell on the jeopardy in which all property was placed by the acceptance of the principle of confiscation without compensation as carried out under that Bill, nor on the declaration he heard, from the noble Marquess (the Marquess of Lansdowne) a few nights ago at the Press dinner, that doubtless this Bill would form a precedent for an English Land Bill, nor would he trouble the House with a long list of farmers' meetings, at all of which entire dissatisfaction was expressed with the provisions and results of the Bill as well as the demands put forward for

fixity of tenure and rents fixed by valuation; but he would only give a few examples of what was said at those meetings. At a meeting in the county of Dublin, where farms were large, tenants rich and prosperous, and where no complaints from tenants had been heard before the passing of the Land Act, among other remarks the Chairman said—

“The Land Act of 1870 might have been intended, but certainly never was expected by any one who gave the matter a serious thought, to be of any real positive benefit to the tenant or a final settlement to the land question. The rule of law under the Act is—first, evict and ruin, and then compensate for the injury done. And how compensate? By compelling the tenant to embark in a course of litigation which commences in the County Court and may terminate in the Court for Land Cases Reserved. . . . Now, it is my opinion that the generality of tenants will submit to almost any terms sooner than seek to obtain the benefits seemingly conferred on them by the Land Act.”

When this Act was passing, he had frequently told the House that not the least statesmanlike part of it was the endless litigation it must create; and here was a tenant farmer immediately hitting the blot. At another meeting, after one farmer stating that the benefit from the Act was illusory, and that Home Rule was the only way to obtain tenants' rights, a Mr. Farrell, in seconding a Motion—

“Informed the meeting of an effectual mode of treatment which had been adopted in the part of the country from which he came to check the exterminating propensities of some landlords. A person from the north of Ireland purchased 40 acres of land, and attempted to raise the rent from £1 5s. an acre to £2 1s. 6d. The tenants refused to pay, and were evicted, but got compensation, having gone to law under the advice of their parish priest. It was then determined to report every man who took the land as an enemy to his country, and from that time to the present the lands lay waste. This piece of intelligence afforded evident satisfaction to the meeting.”

Thus, by advice of the priests, the tenants first obtained compensation for disturbance, &c., and then kept the land waste by terror. This was not strong evidence of the beneficial results prophesied from this message of peace. Again, previous to this Bill, all disputes between tenants—and these among 300,000 small tenants were not a few—were settled by the landlord or agent; now all power of enforcing their decisions was taken out of their hands, and hence, ere long, “domestic calamities” would be added to “agrarian outrages;”

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and all power and influence being taken from the landlords, nine-tenths of whom were Protestants and friends of English institutions and English connections, there was no check upon the power of the priests, whose influence at Elections would be paramount and universally exercised against English connection. Then they had the Jury Bill of Lord O'Hagan. It was stated at last assizes and sessions by every Judge and Chairman of sessions in Ireland that this Bill rendered the administration of justice impossible; and Her Majesty's Government by agreeing to appoint a Committee, in “another place,” to inquire into its working, had acknowledged how ill-considered and injurious was the character of this pet measure of their Colleague, and he trusted they would not let the Session pass without repealing it, for if they did they would but continue to bring the executive and the administration of justice even into greater contempt than they had already done! He would say a few words on the O'Keeffe case. He would not dwell on the merits of the case further than to express his regret at the part that three Roman Catholic Judges had taken in the matter. He referred to Lord O'Hagan Chief Baron Pigott, and Judge Fitzgerald. A Brother Judge (Judge Lawson) called on them, as the case might come before them as Judges—and it was tried by Judge Fitzgerald—not to prejudge it as members of the Education Board; but they paid no attention to his remonstrance. Well, he in no wise called in question the high character or conscientiousness of these eminent men; but, as Ultramontane Roman Catholics, they felt a conflict between their duty to the Pope and their duty to the Queen, and decided to accept Dr. Manning's advice—to prove themselves Catholics first and Judges afterwards. Nothing could be more disastrous than the effect of such conduct on the minds of the people of Ireland, confirming them in the belief that the Roman Catholic clergy were above and beyond the jurisdiction of the civil power, while the platform of that clergy was now, as always, Catholicity, Nationality, and Socialism—a platform they had so long stood upon that even if willing, they were unable to recede from it. He would touch very shortly on the measure for Irish University Education brought forward by Her Majesty's Government in “another place.”

The Premier stated he had not consulted the Roman Catholic hierarchy about it, that it was entirely undenominational, and founded only on the most patriotic principles. He thought the right hon. Gentleman did not require any direct communication with the Irish Roman Catholic hierarchy, when he had Mr. Monsell in his Cabinet, Lord O'Hagan—Cardinal Cullen's mouthpiece—as Irish Chancellor, and his old friend, Archbishop Manning, close by to counsel him. But the Premier said it was “undenominational;” though, strange to say, the Secretary for Ireland, and the ex-Secretary, stated their belief that if well understood, the Bill would be found to satisfy the claims of the Roman Catholic hierarchy; and as they had repeatedly declared they would accept nothing less than the sole direction and teaching of Roman Catholics at the public expense, there was a serious antagonism of opinion between the Members of the Cabinet as to the results of the proposed measure, though none, he believed, in the mind of the public, who were convinced that the Secretaries were correct in their views and the Premier deceived, as to the inevitable results of his own measure. And here he was sorry to be obliged to repeat a remark which some Sessions back gave grave offence to the noble Earl (Earl Granville)—namely, that the fact of these right hon. Gentlemen remaining Members of the Cabinet, showed how well-subordinated were the Members of the Government to their somewhat imperious Chief. He was much surprised to hear a noble Earl (Earl Grey), for whom he had the highest respect, a few nights back, recommend Her Majesty's Government to hand over the surplus funds of the Irish Church without condition to the Roman Catholic clergy, to educate the youth of the country in the principles of the Bull, *In Cœna Domini*, the Sylabus and the Encyclical, and uncompromising hostility to every institution of this country. He was surprised that the noble Earl ignored the fact that Republican Switzerland and Autocratic Russia, Roman Catholic France, Austria, Spain, and Italy, aye, the great Bismarck in the height of his glory, had each and all alike found that for the preservation of the independence of the civil power, education had to be taken out of the hands of the Roman Catholic clergy, and severe restraints placed on their insti-

tutions and the exercise of their priestly functions. The noble Lord next read the abstract of the charge of Judge Lawson on the Belfast Riots, as given in *The Times*, which, after stating the outrages of the rioters and the remissness of the magistracy, contained the following passage:—

“He made great allowances for the local authorities, for magistrates and constables must act or refrain from acting according to the instructions they receive from head-quarters, and he could scarcely wonder if they often hesitated to act with firmness and decision, and recent experience had, unfortunately, shown that they cannot always rely for countenance and protection upon those whose duty it was to defend them when they were assailed for the faithful discharge of their duty. The assembly was unlawful at Common Law, and if it had been dispersed and the ringleaders arrested the disastrous riot would never have occurred.”

He could not say to what the learned Judge referred in the paragraph—

“And recent experience had, unfortunately, shown that they—police and magistrates—cannot always rely for countenance and protection upon those whose duty it was to defend them, &c.”

—but he was sure that neither the House nor the public could forget that the Parliament had forced upon the Judges the duty of trying Election Petitions—a duty they undertook most reluctantly—that when a Roman Catholic Judge, who had already distinguished himself by the undaunted courage he had shown in the trial of the Fenian prisoners, and since which time Her Majesty's Government were well aware that the closest and most constant surveillance was necessary to protect his life—careless of the odium, unpopularity, and increased danger he would incur, condemned in unmeasured language the conspiracy of the Roman Catholic bishops and clergy to prevent the free exercise of the franchise by the electors of Galway county—instead of receiving that countenance and support from Her Majesty's Government which he so much needed and deserved, their action could only be described in the language of the poet as

“Willing to wound, and yet afraid to strike,  
Just hint a fault, and hesitate dislike.”

And yet so just was the decision of Judge Keogh that the Law Officers of the Crown were obliged to prosecute the Roman Catholic bishops for their conduct, but in doing so counsel for the Crown never challenged a juror, nor did

they even include "conspiracy"—which was the principal crime for which they were deprived of the franchise for seven years—in the indictment. Such treatment of a Judge under such circumstances, such sham prosecution, such cowardly abstinence from protecting life and property, such countenance of lawless meetings had brought the Executive into entire contempt. One word more on a remark of the noble Earl (the Earl of Kimberley) who last Session—repeated lately at Ipswich—said, that Fenianism was now less important, because it had taken a more Constitutional form. This would be the case if the separation of the two countries were an open question, and if it would be accepted when a large majority of Irish Members showed it was the desire of the majority of the people of Ireland; but if, as he believed, the English people never could or would allow Ireland to establish a separate Nationality, then Constitutional discussion could only excite false hopes, bringing rancour and disappointment, and making the Irish people feel themselves justified in endeavouring to enforce their views, which could only lead to all the horrors of civil war and violent repression, unless, indeed, by the new scheme of *dépôt* centres an Irish army were created which would always be ready to support Irish Nationality and assist the enemies of England. He firmly believed that the Irish measures and the Irish policy of Her Majesty's Government was the principal cause rendering legislation, such as the measure now proposed necessary, and the continuance of the same policy, could result only in violence to be repressed by bloodshed and violence.

THE EARL OF LEITRIM said, that the Bill ought to have been brought in at an earlier period of the Session, when their Lordships might have discussed the use the Government had made of the expiring Acts of which they seemed to him to have availed themselves more for political purposes than for the good government of the country. It was said that the Bill was one for the protection of life and property in Ireland, but he protested against the enactment of this exceptional legislation for that country. The Government could not govern England by such measures. If this sort of legislation was to go forward, what

would be the result? Why the people of Ireland would, he believed, return a large number of Members to Parliament pledged to support the principle of Home Rule, and the end might be that all Constitutional Government would be rendered quite impossible.

VISCOUNT POWERSCOURT bore testimony to the beneficial effects of recent legislation in Ireland, and said the people of that country now felt the Imperial Legislature was willing and anxious to do them justice. Under such circumstances, he did not see how their Lordships could refuse to the Government the continuance of powers which they deemed necessary to the peace and order of the country.

LORD INCHICUIN said, that having had opportunities during the last 12 months of judging of the state of Ireland, he believed that it was absolutely necessary the Peace Preservation Acts should be continued. The renewal of the Act was the more necessary in consequence of the present state of the Irish Juries Act. In the county with which he was himself connected, not a single conviction could be obtained at the last Assizes, and he trusted that an amended Jury Bill would be brought in without delay, in order that there might be no repetition of such a state of things. If a satisfactory Juries Act were passed for Ireland, it might be possible for their Lordships to come forward and suspend the Peace Preservation Act.

VISCOUNT MONCK said, it was unnecessary to reply to the stock objection urged against all Bills of this kind, that they were unconstitutional. It appeared to him that Her Majesty's Government, holding as they did Liberal opinions, deserved some credit for continuing a measure of this description. Notwithstanding the opinion of the noble Earl on the cross benches (the Earl of Leitrim), it did not tend to make the Government popular among the disaffected portion of the population, although they ought to be popular among all classes who valued the peace of the country. Of late years, even in the worst times, agrarian crime had been confined to a small portion of the country, and even there it had been confined to a very small proportion of the people. This Act turned the system of terror against the criminals, and he thought it had had the best possible effect. In conclusion, he expressed sa-

*Lord Oranmore and Browne*

tisfaction at the course taken by the Government in renewing the Act, without which it would be impossible for some time to come to restore peace in certain small districts in Ireland.

THE MARQUESS OF LANSDOWNE said, he did not intend to enter into the wide field of discussion over which the noble Lord opposite (Lord Oranmore) had travelled. The noble Lord reminded him of those Fanti warriors of whom his noble Friend the Secretary for the Colonies spoke the other night, and who, when they possessed a large quantity of ammunition, fired it off in sheer exuberance of spirits. He understood one complaint made by the noble Lord to be that the county of Mayo was not included in the Act for the Protection of Life and Property. That county was already proclaimed under the Peace Preservation Act, and he could not at present state whether or not it would ultimately become necessary to bring it under the provisions of the other Act. With regard to the remarks of the noble Lord opposite (Lord Inchiquin), he need only point out that the Bill for altering the qualifications under the Juries Act was awaiting a second reading in the House of Commons.

Motion agreed to; Bill read 2<sup>a</sup> accordingly; Committee *negatived*: Standing Orders Nos. 37 and 38 *considered* (according to Order), and *dispensed with*: Bill read 3<sup>a</sup>, and *passed*.

#### LAND TITLES AND TRANSFER

BILL [H.L.]—(No. 85.)

(The Lord Chancellor.)

SECOND READING.

Order of the Day for Second Reading, read.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(The Lord Chancellor.)

LORD CAIRNS said, that this Bill was such an important one, and any step in the wrong direction would be so dangerous and so difficult to retrace, that he trusted their Lordships would pardon him if for a short time he called their attention to the present position of the measure, and to some of the features in it that he thought required alteration. He did not rise to oppose the second reading of the Bill; on the contrary, its general scheme and aim had his most hearty support, for he had always enter-

tained the conviction that the only practical mode of simplifying the title of land in this country and facilitating its transfer was by establishing a registry of title in the proper sense of the word. As various speculations had been made respecting the comparative failure of the Act of 1862, he might state his conviction that the cause of that comparative failure was that, although styled an Act for the Registration of Titles, it was, when looked at closely and properly understood, a measure for the registration of assurances, and that was a kind of measure which in this country always had failed, and, in his opinion, always would fail. The present Bill, however, he recognized as a measure for a Registry of Titles, and in that respect it had his warm support. But it contained some novel features which required grave consideration. It was necessary that he should comment both on the present measure and the Real Property Limitation Bill, which was placed after it on the Paper for a second reading. The latter Bill was for shortening the period of prescription; and though that might appear but a small matter, yet it required very careful consideration. He did not mean to say there was in our present periods of limitation anything which should make us superstitious and lead us to say that they could not be reduced. Great changes had been made in the period of prescription. From 60 it had been reduced to 50, and next to 20 years, and now his noble and learned Friend (the Lord Chancellor) proposed still further to reduce it to 10 years. This was a decided step to take; but he felt still more strongly respecting that part of the Bill which dealt with cases of disability, and to which, as at present advised, he could not agree. The law at present allowed an infant 10 years to assert his title to land, and that period was by this Bill cut down to three years. Considering the complexity of land titles and of boundary lines, which many of their Lordships knew from experience, three years was a very short period to allow for the assertion of his rights to a person who, by hypothesis, knew nothing about them until he attained to full age. This proposition was the more remarkable when they remembered that the present law, which the Bill did not propose to alter, allowed a full-grown man six years within which to assert his



claim to arrears of rent. Another provision in this Bill which filled him with apprehension was that with regard to the period of prescription in favour of persons who were beyond the seas. This Bill proposed to alter the law, and, instead of allowing an absent person a period for his return to this country, to say that such a person should be dealt with just as if he were in this country. He could easily imagine the case of a man in Australia, on a sheep farm or at the gold diggings, who might acquire an interest in land, by descent or otherwise, who might not hear of it for some time, and who might, on returning to this country to assert his claim, be debarred from doing so. Reference had been made to what had been done in Australia and in India, and it was desirable to look at what had been done abroad; but the other day it was stated by a correspondent, who wrote with some authority, that in South Australia the reduction of the period from 20 years to 10 years had been found to work so inconveniently and to give such openings to fraud that the Legislature had returned to the old period of prescription. The period of prescription had also been shortened in India, but that country was not analogous to England. There land was held from the Government upon payment of a tribute or impost, and if land became unoccupied there were soon inquiries to find out who ought to be in possession so that the person would probably be soon found out. Now, there was nothing analogous to that in England, so as to make a shorter period of prescription suitable. He believed that the wisest mode of shortening the period of prescription would be by holding out such shortening as a boon in the case of lands that were put upon the Register, instead of making it applicable to all land in the country, because one of the great difficulties in the way of a measure of this kind was to induce persons to register, and it would be well that they should be induced by some boon or temptation to place their land in the first instance on the Register. Coming to the larger measure—the Land Titles and Transfer Bill—he said it was a Bill which ought to be seriously considered by all who were interested in land. The Bill proposed that after the lapse of two years all sales of land in this country should be made in such a way as to bring

the land sold upon the register of titles, or, otherwise the sale should not be valid in law; but this compulsion was not applied to land that was not sold. He did not think that their Lordships would do well to impose as a matter of compulsion registration on landowners. If a good system of registration were introduced, and it became so acceptable that a large portion of the land was voluntarily put upon the Register, then they might go a step further, and say that all other land should be registered also; but they must begin tentatively. A good measure would commend itself to the people of the country as suited to their wants; but an unsuitable one would not, and an attempt to enforce it would provoke dissatisfaction, resistance, and failure. Very little would be gained by the contemplated compulsion, because comparatively little land changed hands in a year or in a few years. Dealers with large estates could take care of themselves; but in sales of an acre or two there would be hardship involved in compulsory registration, particularly if resort must be had to a London office. As the Bill stood compulsory registration was not to apply where only an undivided share in land was sold; and even a simple country attorney would know how to evade such an enactment. If he had a client who did not wish to register he would advise him merely to sell first one undivided share of the land and then the other; and in that way he would be entirely out of the scope of the section requiring registration. In the next place, he would refer to a very serious question—the machinery by which the Bill was proposed to be worked. That would be found in the 146th clause. The registration was to be conducted through the medium of a Board, which was called the Board of Registry in London. It was to consist of the Lord Chancellor, the Chancellor of the Exchequer, and the Registrar. The Lord Chancellor, of course, would not have leisure to attend to any of the details of registration. He would be simply available for making rules and giving general directions. He could not understand what the Chancellor of the Exchequer would have to do with the Board; except, so far as representing the Treasury, he would have an interest in the taxation to be levied and the stamps to be used; but when these were

once fixed the Chancellor of the Exchequer would cease to have any connection with the Board. The whole of the registration of titles must be done under and by the Registrars to be appointed under the Act. He did not observe that any definition whatever was given in the Bill as to the qualification of the Registrar. They were not told whether he was to be a barrister or not. It was only stated that when appointed he was to be one of the civil servants of the Crown. Now, he owned he had very strong opinions that if they were to have any system of registration which was to work in this country perfectly they would not accomplish the creation of that system with success unless they followed, more or less, the precedent which had worked so successfully in Ireland, in having a Landed Estates Court, which would consist of persons who were to be responsible for the passing of the title of the land which was to be registered, who would be persons of the position, the dignity, and the experience which was possessed by the Judges of the Landed Estates Court in Ireland, and who would bring to bear that amount of authority, and weight, and personal knowledge and skill which had made the Landed Estates Court in Ireland so great a success as it had been. He had endeavoured to discover what was to be the power of the Registrar under the Bill, and he found it was impossible to give to him anything like the powers which the Landed Estates Court had. By the 153rd and 154th sections, every question of law which could possibly arise before the Registrar was to be referred by the Registrar or the parties to the Court of Chancery. If that was the legislation that was to take place on the subject, he had a strong conviction that it would fail. He was convinced that it was perfectly impossible to have a system of registration unless they had some Court or authority which would decide the questions of law as they arose, and which would examine and pass and give an *imprimatur* to the title. He begged their Lordships to remember that one of the great difficulties would be to raise the points. Who would raise the points? There would be only one side before the Registrar, and that one side would not be anxious to raise the points, but to conceal them. This chance would require to

be undergone—that the Registrar would raise the point of the title, and that it be then referred to the Court of Chancery to be decided by the Court of Chancery. Well, he wanted to know with reference to this Registrar—this single man who was to decide nothing, but who was to refer everything to the Court of Chancery—what was to be the extent of his authority locally in regard to England generally. The Board of Registry was to have its offices in London, and it was to have power—1st, to divide England into districts for the purposes of registration of title, and to alter districts so made; 2nd, to declare by notice in *The London Gazette* when registration of title was to commence in any district and the place at which lands were to be registered; 3rd, to commence registration in any one or more district or districts pursuant to any such notice; and 4th, to declare by what assistant registrar, examiner of title, officers, and servants, the business of registration in such district was from time to time to be conducted. He wanted to know how all this was to work. Was it to be supposed that the assistant registrars were all as competent men as the Registrar? He supposed not. He supposed they were to be subordinate. Was it supposed that the land in the country had not a similar title to the land about London? Surely not. Well, how was it to be arranged that they were to have a Registrar in London and assistant registrars only in the country, which assistant registrars were to have the power of deciding the title in the country? It appeared that the Bill was going to set up all over the country a kind of subordinate officers, who were to examine all the titles, while at the same time they were to have a superior officer, whose business it was to do it in London. He must say he had considerable jealousy about the handing over from the upper or head officer duties which he alone should discharge to assistants and subordinates. He observed from the organs of information they were in the habit of daily consulting that Registrars in Bankruptcy, who never were intended to be Judges, but mere administrative officers, were attended by Queen's Counsel and other members of the Bar, and decided questions involving hundreds of thousands of pounds, and the credit of mer-

cantile men in the City. He said that was a very dangerous system, and one which he did not wish to see extended. He repeated that he was not satisfied with the machinery by which the Bill was to be worked. He found in the Bill a provision—namely, the 32nd—which filled him with considerable apprehension. It was a novel provision, and it ought to be carefully considered by those who were interested in landed property. According to that provision, the Registrar, after examining title deeds, if he should be of opinion that the title thereby shown was valid and good for the purpose of holding the land to which it related, after 20 years was to have the power of certifying the title as absolute. That was a provision which might be re-modelled; but as it stood it entirely overthrew everything which had been the law of the country hitherto, because no Court had ever supposed that what was described as a holding title for 20 years was a good title to land. The Court of Chancery had always required 60 years. That was too much; but 20 years was entirely nominal. An analogy had been suggested to justify this provision, and it was said that there were parties in this country who were willing to buy on the like conditions, and considered that they had a good holding title. But the analogy would not support any enactment of this kind. The person who wished to buy the land saw the conditions of sale, and it was for him to say whether he liked them or not. If he chose to run the risk the risk was his own. If the title turned out good, so much the better for him; if it did not, nobody else was injured. But that was not at all the case when the Registrar was authorized to turn himself into an absolute judge whether a title was good. That threw the risk upon the real owner and not upon the purchaser, for there was no purchaser in the case. Then there were provisions in the Bill with respect to boundaries which seemed very dangerous. There was hardly anything more perplexing in large estates than the question of boundaries. According to the Bill, if a person desired to have his boundaries settled, notice was to be given to the adjacent occupiers, and also to the person in receipt of the rents of the adjacent lands. That was good as far as it went. But what security in many cases would notices of this kind

be? The holder might be a tenant, the receiver of the rents might be a mortgagee, and, notwithstanding the notices, very serious injury might be inflicted upon the owners of the adjacent property. He believed they never would have any satisfactory definition of boundaries upon certified titles until a survey of England existed upon a scale large enough to deal with boundaries, and then it could be done to some advantage. In the 16th clause he found that the registered owner should be taken to have an absolute power of selling the land discharged of all trusts, and persons were to protect themselves by *caveats*. He quite admitted that that was a proper system to proceed upon. But then he found in the 41st section that, except in case of fraud, the purchaser from such registered proprietor was not to be affected by any notice of any trust or unregistered interest. It was said it was desirable to make land as easy of transfer as ships or stocks. But they had no such enactment with regard to ships or stocks. There was another proposal which seemed to be attended with much danger—namely, that which related to the question of judicial sales. He looked upon that part of the Bill as one which would require very great consideration, and in its present form he doubted the expediency of adopting it. Any person interested might come to the Court of Chancery to prove that by reason of complexity of title, or other specified causes, it would be beneficial to the parties interested that there should be a sale. There were at present many cases in which persons partly interested in land might apply for a sale; but here was an entirely new crop of cases, in which persons interested, no matter to how small an extent, in the land, might come to the Court and say—"This land is in an unfortunate condition, the title is very perplexed, there are many persons interested, and we ask that the land should be turned into money." It might be said that the Court of Chancery would never order the land to be sold unless it was satisfied that the sale would be highly beneficial to the parties concerned. He admitted that; but objected to allowing persons with however small an interest to come to the Court and ask to have the land turned into money. Then there were provisions with respect to the Court of Chancery which seemed to show that

his noble and learned Friend had a higher idea of the powers of that Court than he himself had. His noble and learned Friend armed the Court of Chancery with powers to give a certified and indefeasible title upon sales which were authorized by the Bill to be made, and not upon the occasion of these sales only, but on the occasions of all sales which the Court of Chancery made in the course of its ordinary business. He was perfectly sure that the Court of Chancery was quite unfitted to give certified and indefeasible titles to owners of land, and for this reason. The Judges in the Court of Chancery could not sit down and examine abstracts of title, and say—"We are of opinion, upon our responsibility as Judges, that here is a title which is indefeasible, and we certify accordingly." They could only remit the matter to one of the conveyancing counsel of the Court, who would state his opinion upon his judgment as to whether the title could be certified as indefeasible or not. The danger of these cases was not that points would be raised and improperly decided, but that they would not be raised at all; that the difficulties would be passed over; and that the Court of Chancery would incur the extreme responsibility of certifying a title as indefeasible when in reality the Judges of the Court could not decide on the subject themselves, but must take the decision second hand from some counsel advising the Court. If we gave an indefeasible title by Act of Parliament any mistake would be irreparable. It was true there was a provision that a person aggrieved might be re-imbursed out of any purchase money that might remain at the disposal of the Court. But surely their Lordships would not think such a remedy sufficient. He did not clearly understand the power it was proposed to give to the County Courts under the Bill; but protested against their giving certified titles. His noble and learned Friend would have gathered from what he had said that he looked upon the measure in no unfriendly spirit. Speaking generally, a measure of this kind needed very careful examination in detail; it would scarcely be possible—and certainly not satisfactory—to allow it to pass without thorough revision in a Select Committee. The labours of that Committee would not be light; the clauses of the Bill, numbering 173, were not merely clauses of pro-

cedure such as those in the Supreme Court of Judicature Bill, but clauses every word of which must be weighed, because a slip might do incalculable evil, perhaps years hence. The Bill would probably not emerge from the Select Committee in time to insure its becoming law this Session, especially as the House of Commons had postponed the second reading of the Supreme Court of Judicature Bill until after the holidays. Would it not then be better to rest content with taking this stage of the Bill this Session? One of his earliest recollections of legislation was the enactment about 40 years ago of the Law for Abolishing Fines and Recoveries. It had a remarkable history. Perhaps no modern Act of Parliament had ever had so few decisions of Judges upon it, although it had been in daily operation since its enactment. The reason of this was to be found in the fact that the Bill was handed over to Mr. Peter Brodie, one of the most eminent conveyancers of that day, and was revised by him so carefully that it left his hands the most finished and masterly piece of work connected with real property ever produced. Would it not be well to adopt a similar course with this Bill? If it were handed to one or, better still, to two eminent conveyancers for revision in detail, though, of course, adhering to the main principles of the measure, the result might be equally satisfactory. It was utterly impossible for any ordinary draftsman to avoid slips in such a measure as this, and it was equally impossible for his noble and learned Friend, considering the numerous demands upon his time to do the work himself.

THE EARL OF POWIS suggested Amendments with regard to dealings in mines and tithes. In the case of enclosures also, there would be an important class of title, for which he did not see any provision in the Bill; and he suggested that the tenant for life should be put upon the Register as well as the trustees, so as to provide an additional safeguard against any fraudulent dealing with estates.

THE LORD CHANCELLOR said, he would endeavour to show that he could be concise in his reply to the points which had been raised, though he would willingly have devoted more time to their elucidation. First, with regard to the period of limitation, his special object in shortening that period was one in which

he understood his noble and learned Friend to concur—namely, to afford an assistance and an inducement to the clearance of titles placed upon the Register. He did not now propose to enter upon the particular period which should be fixed. His noble and learned Friend was less accurate than usual in stating that the period of limitation after disability ceased was now ten years. It was really five years, and the Bill would limit it to three. As to the case of people beyond the seas, he hoped, when this case came to be considered, due regard would be paid to the great increase in the facility of communications between all parts of the world. Formerly there were strong reasons for including absence beyond seas as a cause of disability; but these reasons had of late years been much weakened, and their Lordships would, he thought, come to the conclusion that they might safely be disregarded altogether. No doubt that principle had been adopted in the colonies; but in this country an Act introduced by Lord Campbell had already abolished this saving with respect to actions for debt and other personal actions. As to the letter in the newspaper, he was himself ignorant of the Australian Act for shortening the period of limitations, nor could he throw any light upon the question whether the letter was accurate or not. If, however, the period of limitation had been altered in Australia to 10 years, and then back again to 20, he should have expected that the fact would have come to his observation in some way or other. The principle on which this Bill proceeded was that possession, *bonâ fide* acquired and long enjoyed, was entitled to more respect than claims of which persons were ignorant, or which had been knowingly and deliberately delayed. The great object was that there should be a clearance of titles, and security to those who availed themselves of the system of registration. He regretted that his noble and learned Friend should object to the 32nd clause, for enabling the Registrar to accept as absolutely good what were there called “good holding titles;” for it was, he believed, the opinion of most persons who had considered the subject of Registration that, at all events, something less than the strictness of the present legal requirement was absolutely necessary. The instances where “good holding

titles” were disturbed were very rare; and it appeared to him that there would be nothing unsafe or unjust if their Lordships determined that, for the purpose of facilitating Registration, and for clearing titles, they would adopt the principle of the 32nd clause, whether or not they adhered to the precise language. As to the question of Boundaries, he would not touch upon it further than to say that these provisions of the Bill were entirely open to consideration and might, if necessary, be amended. So with respect to the machinery of the Bill. He quite agreed that the Registrar should be a person able to discharge functions substantially of a judicial character; and it was open to consideration whether his name should be altered, and some of the powers of the Court of Chancery intrusted to him, following in this respect the lines of some former Bills. With regard to judicial sales in the case of complicated titles, the clauses in the Bill were substantially the same as clauses which his noble and learned Friend himself formerly considered proper; and as to County Courts, he agreed that their assistance should not be resorted to, except mainly for ministerial purposes. He trusted, however, that their Lordships would not dissent from the principle that good holding titles might be certified. With regard to the suggestion of the noble Earl (the Earl of Powis), there might be some advantage in re-considering the provisions to which he had referred. He must acknowledge that the suggestion of the noble and learned Lord to refer the present Bills to another Select Committee did not hold out much prospect of their becoming law this Session. If this should be impossible, it might deserve consideration whether some such reference to competent persons as that stated by his noble and learned Friend to have been made in the case of the Fines and Recoveries Bill might not be followed with advantage. He did not understand his noble and learned Friend to ask him to give any pledge on the subject; but he would undertake, between the present time and the next meeting of Parliament, to consider his recommendations.

Motion agreed to; Bill read 2<sup>d</sup> accordingly.

House adjourned at a quarter past Eight o'clock, to Monday next, a quarter before Four o'clock.

## HOUSE OF COMMONS,

Friday, 23rd May, 1873.

MINUTES.]—SUPPLY—considered in Committee—ALABAMA CLAIMS.

PUBLIC BILLS—Resolution in Committee—Black-water Bridge [Composition of Debt]\*.

Resolution in Committee—Ordered—First Reading—Harbour Dues (Isle of Man)\* [175].

Ordered—First Reading—Local Government Provisional Orders (No. 4)\* [174].

Second Reading—Registration (Ireland)\* [165].

Considered as amended—Register for Parliamentary and Municipal Electors [158].

Third Reading—Municipal Corporations Evidence\* [155], and passed.

## CORONATION OF THE KING OF SWEDEN.—QUESTION.

MR. RAIKES asked the Under Secretary of State for Foreign Affairs, Whether it is the fact that Her Majesty was alone among European Sovereigns unrepresented by a special Ambassador or Envoy at the recent Coronation of the King of Sweden and Norway; and, whether he can state the reasons which have induced Her Majesty's Government to advise on this occasion a course different from that followed at the accession of the present Emperor of Russia and other Sovereigns?

VISCOUNT ENFIELD: Sir, in matters of international etiquette and of Court ceremonials, it is usual to follow precedents, and this year the same usage was adopted on the occasion of the coronation of the King of Sweden, as was followed in 1844 and 1860, when on the coronation of two Kings of Sweden letters of congratulation were addressed by Her Majesty to those Sovereigns. On this occasion other Powers besides Great Britain were not represented, and I trust the House will not think that in following these precedents there could have been anything to impair the friendship and good understanding which so happily exists between Great Britain and Sweden. I speak with reserve, but I believe it is likely that one of the sons of Her Majesty will be present at the coronation of the King in Norway in July next.

HABITUAL DRUNKARDS BILL.  
QUESTION.

MR. D. DALRYMPLE asked the Secretary of State for the Home Department, VOL. CCXVI. [THIRD SERIES.]

ment, Whether, as it was impossible to move the Second Reading of the Habitual Drunkards Bill, owing to the adjournment of the House after the vote on the University Education (Ireland) Bill, he will afford him an opportunity of bringing it on?

MR. BRUCE, in reply, said, he should be very glad to assist his hon. Friend if the Government had in its possession a superabundance of time. He was sorry to say, however, that he could hardly foresee sufficient time for the Bills with which he was himself charged, and he was not therefore in a position to ask the Government to set apart a day for his hon. Friend. Besides, considering the time of year at which they had arrived, his hon. Friend could hardly expect to pass the Bill during the present Session.

INDIA—PUBLIC WORKS DEPARTMENT  
—OFFICERS OF THE SCIENTIFIC CORPS.—QUESTION.

MAJOR TRENCH asked the Under Secretary of State for India, Whether he will explain to the House why it is that officers in the Scientific Corps employed in the Public Works Department or holding staff appointments in India are, on promotion from the rank of captain to that of major, kept, as regards Indian pay and allowances, on the rate of pay belonging to the former rank, while officers of the Cavalry, Infantry, or Staff Corps, on promotion to the rank of major, receive the full benefit of the increased rate of Indian pay, and allowances belonging to that rank?

MR. GRANT DUFF: Sir, as my hon. Friend did not find my answer of yesterday quite clear, and as his Question relates to a very complicated subject, the best course will be, perhaps, to read an official Memorandum which enters fully into it, and which will, I trust, be quite satisfactory to him—

“With regard to the Public Works Department, Engineer Officers are the only Officers of the Scientific Branch of the Army who are appointed thereto under the present regulations, and they have the option of receiving consolidated salary according to a new scale, or Staff salary under a former scale with regimental pay and allowances. Officers of the other branches of the Service joining the Public Works Department since 1870 have no such option, and receive consolidated salary. In such case the Engineer Officer has the privilege of receiving

the net military pay of his rank, in addition to such consolidated salary, a privilege which the Officer of Cavalry, Infantry, or Staff Corps, does not possess. The aggregate pay of the Engineer Officer is, independent of his rank, always superior in that case to the pay of the Officers of other branches of the Service holding similar appointments. As to the case of Staff appointments, when the Staff salary is granted in addition to full regimental pay and allowances, it is believed that none such are held by Engineer officers, unless at their own option, in the Public Works Department. In such cases, however, an Officer of either of the Scientific Corps would receive less in the aggregate on promotion from captain to major than an Officer of Cavalry, Infantry, or Staff Corps similarly promoted, because the regimental pay of the former is in India, as it is in England, less than that of the latter. The explanation of this is, that when, in 1871, the War Office, for purposes connected with Imperial Army organization, converted all the captains of Artillery and Engineers into majors, it was thought unnecessary to give them the full regimental pay of majors of the other branches of the Service, as they enjoyed, especially in India, money privileges associated with their proper and ordinary duties which made their aggregate salaries paid out of the public purse amply sufficient. In adopting this course, the precedent established by the military authorities, both at home and in India, in 1858, was followed. On that occasion all the then majors of Artillery and Engineers were converted into lieutenant-colonels, but continued to receive majors' pay and majors' pension on retirement."

#### POST OFFICE—TELEGRAPH STATIONS IN GALWAY.—QUESTION.

MR. HERON asked the Postmaster General, Whether there is any probability of a telegraph station being established at Recess, county Galway, in consequence of the number of English and Scotch gentlemen residing in the neighbourhood for the salmon fishing during the angling season, to whom the want of a telegraph station is the very greatest inconvenience, and as no great expense will be incurred, because the telegraph wire between Galway and Clifden is on the road beside the Post Office at Recess?

MR. MONSELL in reply, said, that the extension of telegraphic communication in Galway would cost very much more than by his Question his hon. and learned Friend seemed to suppose. But were the cost little or much, he was sorry to say that the Post Office had no funds at its disposal granted by Parliament for such purpose. He could not, therefore, hold out any hope to his hon. and learned Friend on the subject of the extension he referred to.

*Mr. Grant Duff*

#### THE "ALABAMA"—COMPENSATION TO BRITISH SHIPOWNERS.

##### QUESTIONS.

SIR STAFFORD NORTHCOTE asked the noble Lord the Under Secretary of State for Foreign Affairs, Whether the Government have received any applications from British subjects for compensation in respect of losses occasioned by the destruction of their property in vessels destroyed or captured by the "*Alabama*," and what course Her Majesty's Government have taken or propose to take in reference thereto?

VISCOUNT ENFIELD: Sir, Her Majesty's Government have received certain applications from British subjects for compensation in respect of losses occasioned by the destruction of vessels by the *Alabama*; these applications have been taken into consideration and the opinion of the Law Officers has been taken. In accordance with their opinion, the Board of Trade and the various applicants have been informed that Her Majesty's Government is not liable to British subjects for the acts of the *Alabama* and other similar vessels.

Afterwards—

SIR JAMES ELPHINSTONE asked the Under Secretary of State for the Foreign Department, Whether it is the intention of the Government to refer the claims of British subjects as against the *Alabama* to arbitration? He also desired to know, Whether Her Majesty's Government have received any notice of a claim in respect to the widow of Mr. Grey, chief officer of the "*Saxon*," who was murdered at an early period of the American War?

VISCOUNT ENFIELD: Sir, the hon. Gentleman, not having given me either public or private Notice of his Question, must excuse me making any reply to it.

SIR JAMES ELPHINSTONE: I will give Notice of my Question on the Paper of the House.

#### IRELAND—PRISON DISCIPLINE.

##### QUESTION.

MR. PIM, on behalf of Mr. M'CLURE, asked the Chief Secretary for Ireland, Whether the statement is correct that the Rev. Mr. Cahill has, on several occasions, been refused permission to see Mr. M'Aliese, confined in the county Antrim Gaol, and whether any special reason

exists for Mr. Cahill's exclusion, as other clergymen have been admitted?

THE MARQUESS OF HARTINGTON, in reply, said, he had been informed that the Rev. Mr. Cahill, and also one other person whose conduct they considered to have been of an unsatisfactory character, had been refused permission by the Board of Superintendence to see Mr. McAleese. They had been informed they would not be admitted except on a direct order from the Irish Executive.

POST OFFICE—CAPE AND ZANZIBAR  
MAILS.—QUESTION.

MR. HOLMS asked the Chancellor of the Exchequer, a Question of which he had given him private Notice—namely, Upon what authority, a payment has been made on account of the Contract for the conveyance of Mails between the Cape of Good Hope and Zanzibar, such Contract not having been ratified by the House of Commons? He also wished to know, Whether that Contract will be taken at such an hour of the evening as will afford an opportunity for a full discussion upon it?

THE CHANCELLOR OF THE EXCHEQUER: Sir, It is most desirable that a Question conveying an imputation on the conduct of a Member of the Government should be preceded by the usual Notice on the Paper of the House, and that it should not be put immediately after a private Notice of it given to the party immediately concerned. So far as that private Notice goes, I will take care that the subject of the Contract referred to shall be brought forward at a time when the hon. Gentleman and his Friends shall have full opportunity of considering it. As to the remainder of the Question, I think it will be better—involving as it does argumentative matter—that it should be discussed when the Contract itself is brought under the attention of the House.

RATING OF GOVERNMENT PROPERTY  
—CONSOLIDATED RATE BILL.  
QUESTION.

MR. W. MORRISON asked the Secretary of the Local Government Board, If it would be in accordance with propriety, that the Government should introduce a Special Clause into the Rating Bill, removing the exemption of Government property from the General Rate?

MR. HIBBERT in reply, said, it had not been deemed necessary to insert clauses in the Rating Bill to provide for Government property being liable to other rates than poor rates. These, generally speaking, were either paid out of the poor rate, or collected on the basis of it. A provision in the Consolidated Rate Bill made the matter perfectly clear, but his right hon. Friend (Mr. Stansfeld) would no doubt consider any proposal to insert a clause in the other Bill, should it be thought necessary.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY REGULATION BILL—MILITARY  
CENTRES—OXFORD.

MOTION FOR A SELECT COMMITTEE.

MR. AUBERON HERBERT, in rising to move, That a Select Committee be appointed to consider and report upon the Reasons urged by Members of the University of Oxford against the selection of Oxford as a Military Centre, and also to consider and report upon the whole question of the advisability of selecting Oxford as a Military Centre, said, he would first ask his right hon. Friend the Secretary of State for War, whether he had reason to believe there was some great military or strategic necessity for the choice he had made in this respect? Could such necessity be shown, he should not expect the House to give a favourable hearing to objectors, though a few hon. Members might even in that case protest against the evils attending the choice. In the original scheme, however, Oxford was mentioned only as an alternative or secondary depôt, the military advisers of his right hon. Friend apparently preferring High Wycombe. The matter, however, assumed a different aspect when a powerful deputation of his constituents waited on the right hon. Gentleman, introduced and assisted by the potent eloquence of his hon. and learned Friend the Member for the City of Oxford (Mr. Harcourt). They adduced reasons so convincing that the right hon. Gentleman then and there, if the report in *The Times* was correct, committed himself to the adoption of Oxford as a depôt. [MR. HARCOURT: No.] If his hon. and learned Friend said this



was not the case, he of course accepted the correction. The deputation represented the geographical importance of Oxford, that there was no centre equal to it in facilities for the assembling of troops; that it had a weekly cattle and daily provision market; that the 32nd Regiment had precedence over the 85th—a very odd reason; that it had two rifle ranges; that there were excellent sites, high and healthy, accessible to a good country and large stretches of pasture; that the water supply was plentiful, and that there was excellent public bathing. What was his right hon. Friend's reported answer? It might be an incorrect report, but the statement in *The Times* was, that his right hon. Friend, having carefully read the memorial, found its reasons pertinent and conclusive. Now he (Mr. Herbert) held in his hand the Report of a distinguished officer who had been sent to Oxford to examine into its qualifications for this dépôt, and it was therein stated that both the water supply and the drainage of Oxford were most unsatisfactory, and that, as regarded the former, as confirmed by Professor Phillips, the eminent geologist, no water supply sufficient to meet the demands of a barrack could be depended on by means of wells. Indeed, the whole tendency of the Report issued a few days ago was adverse to the selection of Oxford. Moreover, his right hon. Friend had assured him—and he believed members of the University likewise—that no battalion of Regular troops could be placed there; so that, while the object now was to attach regiments to localities, the centre of this locality was never to see the battalion belonging to it. Militia and Volunteers were to be trained at Oxford, but the battalion raised there was never to be stationed at the dépôt town. If Oxford was to be a real centre of military activity, then there were strong reasons urged against it on the part of the University. The remonstrance addressed to the Government showed that men in every position in the University were remarkably unanimous on that subject. If Oxford was made a military centre, he understood it was intended to drill close to Oxford the recruits of the Militia and the Regular battalions which belonged to the district, and that the majority of the rank and file at the dépôts would be recruits. It was reckoned they

would require in the course of the year 444 recruits to keep up the two battalions to their proper strength; the dépôts were to be drilled for six months, and it was calculated there would never be more than 200 recruits at the same time, with 50 old soldiers, making a total of 250. The drilling of the recruits was necessarily a work of a very rough and stubborn character; and in the dépôts they would have a constant succession of men who would require, in homely phrase, to be licked into shape. The Inspector General of Prisons, in his Report for 1871 said, that in enlisting a large number of men, it was impossible to avoid taking many who would turn out afterwards to be worthless characters, and that many young soldiers did not adapt themselves to the requirements of discipline until they had undergone stern punishment. Therefore, at those dépôts, the best side of military life would not be seen, and the proposed experiment would possibly turn out very unsatisfactory. Now, they had lately added to Oxford a large class of unattached students, essentially a poor class, belonging to no College, who took care of themselves, and who lived in the cheapest parts of the town. If the influences to which he was referring had a bad effect on the town, that class of students would suffer in consequence. Then there was the effect upon the maid-servant element to be considered in relation to such a matter. With regard to the City of Oxford, as distinguished from the University, its interest was, that there should be nothing to repel those parents who were beginning to settle there for the sake of educating their sons. It was said the officers who would be stationed at Oxford would be picked. That might be so as regarded the lieutenant-colonel, but he did not understand how they could pick any of the other officers. Moreover, the policy of taking away the best men from the regiments for the dépôts was a very doubtful one, and had never answered. Again, the great difficulty of the University had been that a class of men went there for mere social purposes, to make friends and enjoy themselves; although in that respect there had been a great change for the better within the last few years. Now, he did not at all wish to interfere with the amusements of the military; but there were at Oxford already plenty of

*Mr. Auberon Herbert*

the elements of folly, and there were distractions from study which he did not wish to see encouraged at the University, and the reason why a great many men of wealth and position did not send their sons to the University was because of the fear they had that they might be led into expensive habits and amusements. Then, as to those Acts which the House had been engaged in discussing a day or two before, was it, he should like to know, intended that they should be carried out at Oxford? If so, would it not be placing the University there in unfair competition with its rival, Cambridge, where a hair, as matters now stood, turned the scale as to which of them a man would send his sons? He thanked his right hon. Friend the Secretary of State for War for the courtesy which he had displayed in listening to the arguments against his scheme which had been advanced in the case of Nottingham, and he trusted his right hon. Friend would meet the appeal which he now made on the part of Oxford; for if there were good reasons against establishing a military centre at Nottingham, the reasons were still stronger in the case of Oxford. With regard to his hon. and learned Friend the Member for Oxford, he was not all afraid of him; for his hon. and learned Friend had joined him in too many attacks on the British Army, that he should fear him on the present occasion. It was only the other day that his hon. and learned Friend was trying to persuade them that a certain learned society should be abolished, or as he euphemistically termed it, placed in the secondary line. He was sorry his right hon. Friend the Prime Minister had left his place, for as there was a time when he did not prefer Chole to Lydia, he should like to touch another chord in his breast, and induce him to lend even the smallest fraction of his influence in support of the proposal which he was now making. The hon. Gentleman concluded by moving for a Select Committee to consider and report upon the subject.

MR. MOWBRAY, in seconding the Motion, said, he took the earliest opportunity of rising in support of his hon. Friend the Member for Nottingham (Mr. Herbert), and to thank him on behalf of the University of Oxford for having brought the question forward. He did not regard the Motion as an attack on

the British Army, but to defend the University from the introduction into the City of Oxford of alien and unacademic elements likely to interfere with the working of that University. There was not that unanimity of feeling upon the subject in the City of Oxford that was supposed to exist, because now many of the right hon. Gentleman's active and influential supporters within the City had changed their opinions, since it had become known that only 200 recruits and 50 old soldiers would form the dépôt, and that the expenditure of £70,000 per annum on which the tradesman had been calculating was no longer to be relied on. But whatever might be the opinion of the City of Oxford upon the matter, the opinion of the University with regard to it was unmistakable, for a Memorial had been laid upon the Table of the House, signed by 112 members of the University, and representing every shade of academical, theological, and political opinion—embracing High Church, Low Church, Broad Church, University Conservatives, and University Reformers—and everyone engaged in the active teaching of the University, against Oxford being made a dépôt centre. Beyond that, the right hon. Gentleman the Secretary of State for War had received a deputation, consisting of all the authorities of the University, who had stated their strong objection to Oxford being made a military centre, on the ground that if the military element were introduced into the City it would be impossible to preserve proper discipline among the undergraduates. It must be remembered that what was permitted to the young officers was not permitted by the laws of the University to the young students, and that the example of the former would prove most injurious to the discipline of the latter. The number of undergraduates now on the books of the Colleges at Oxford was 2,400. The Colleges were overflowing, and a large number of undergraduates now lived in lodgings in the town. Besides which, there was the new class of unattached students, already amounting to 145, whose numbers were daily increasing and all of them lodged in the town. He denied that any national object was to be gained by making Oxford a military centre, and the University contended that they were as much a national institution as the British

Army. It was necessary that students should be trained to habits of order and regularity, and Universities and Colleges were places where "true religion and useful learning" were expected to flourish. With increasing numbers connected with the University, an increasing population of the City, the luxuries of the age, and the temptations with which they were surrounded, and the easy access to London, it was difficult for the authorities to maintain discipline; and those difficulties would be increased by the introduction of this non-academic element into the town. High Wycombe, Aylesbury, or Woodstock would be far preferable stations for such a purpose. Indeed, High Wycombe was the place selected by the military authorities, and not Oxford, and recommended to the War Office. Aylesbury was anxious to welcome the establishment of a dépôt centre; and the Report of the commandant of the district, the Prince of Saxe Weimar, was in favour of Woodstock. This information had been in possession of the War Office, and ought to have been given to the House at a much earlier date. The Report was dated 23rd January, 1873, but it was not until Tuesday last that it was laid on the Table of the House, and distributed to hon. Members on Wednesday. That Report, which during the interval had not been referred to by the right hon. Gentleman the Secretary of State for War, stated that the selection of Oxford as a military centre was a mistake, because of the difficulty which would be experienced in obtaining water and on account of the bad drainage, and suggested that a site should be fixed upon near Woodstock. If it were a matter of paramount national necessity that Oxford should be made a military centre, he would not object to its being made a military centre, even although the University might suffer some damage. But, as the only object in proposing to make Oxford a military centre was to train 250 recruits, there was no necessity for thus interfering with the University. In a postscript dated the 19th of May, three days after the Notice of this Motion, it appeared that negotiations had been entered into for the purchase of another site, about two miles from Oxford, the local authorities having agreed to provisional arrangements as to the supply of gas and water. He

maintained, therefore, that he was entitled to complain of his right hon. Friend for having put forward a document on which he professed to rely, but which really took away the ground of the conclusion on which he relied. His right hon. Friend should rise superior to the small consideration on which he appeared to decide this question, and decide it on grounds of a more national and paramount character. He was sorry to think that the right hon. Gentleman at the head of the Government had left the House while the subject was under consideration; and he had no doubt that the Secretary of State for War had now as much respect for the University of Oxford as he had many years ago, and that he would not do anything injurious to the interest of Oxford; but he could not help saying that there was ample ground for the Motion of his hon. Friend the Member for Nottingham, and that he heartily concurred in it.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider and report upon the reasons urged by Members of the University of Oxford against the selection of Oxford as a military centre, and also to consider and report upon the whole question of the advisability of selecting Oxford as a military centre,"—(*Mr. Auberon Herbert*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CARDWELL said, his right hon. Friend opposite the Member for the University of Oxford (*Mr. Mowbray*) was right in supposing that he (*Mr. Cardwell*) should be the very last man to do anything in the slightest degree injurious to the University of Oxford, and he had not the smallest intention of attempting anything of the kind. With regard to the Paper mentioned by his right hon. Friend, it was simply impossible to lay it upon the Table on the 23rd of January, when it was moved for on the 29th of April, and afterwards printed. The only value he attached to it was, that the objections made to the Bullingdon site were removed, because they simply turned upon arrangements as to gas, water, and sewage. One of the great arguments urged against him by his hon. Friend the Member for Nottingham (*Mr. Herbert*) was, that he

(Mr. Cardwell) had been compelled by his constituents to come to the conclusion that Oxford should be made a military centre, and that he did not come to that conclusion upon proper grounds or by military advice. But what said his right hon. Friend opposite? That many of the most influential of his (Mr. Cardwell's) constituents were altogether opposed to the scheme. How did those two propositions hang together? The hon. Member for Nottingham also spoke of the great improvement which had taken place in the University of Oxford. That might be the case, but how did it agree with the statement of his right hon. Friend that the difficulty of enforcing discipline was every day increasing? He would appeal to a very distinguished Nobleman who spoke last year in the House of Lords on the subject, and who knew a great deal about the Army and the Universities. That Nobleman said he thought it was quite as likely that officers would be deteriorated by University students as that University students would be deteriorated by officers. What were the real facts of the case? In the first place, he congratulated himself that the present Motion was not made by the Members for the University, who had had their attention alive to the subject from the 17th February down to that time, and yet had not thought it their duty to bring the matter under the consideration of the House; but had left it to the free lance of the hon. Member for Nottingham, who, having been in the Army himself, was probably considered the best person to depreciate the Army in that House. Then the Motion itself was irregular, because he was quite taken by surprise when his hon. Friend stated his intention of moving for a Committee—[MR. AUBERON HERBERT: The words were accidentally omitted from my Notice.] But they should have been put in. His hon. Friend had alluded to certain Acts of Parliament, and implied that they were to be extended to Oxford; but he could assure him that there was no intention whatever of making any such extension of the Acts to Oxford. What had really been done was this—a deputation of his constituents came to him, but, if his memory served him correctly, it was in reply to a deputation from the University. The House had been told that there was a great and unmis-

takable objection on the part of the University to the scheme; and, undoubtedly, a large number of eminent members of the University had objected. Their opposition, however, like that which they formerly showed against the introduction of railways, proceeded more from an exaggerated view of what might happen, than from an accurate knowledge of what would be really done. What was the amount of the objection? A Memorial was laid on the Table of the House on the Motion of his right hon. Friend opposite, showing that of 25 Heads of Houses five Heads signed it, while 20 did not; that 24 Professors signed it, and 16 did not; and that out of members of Convocation 112 signed the Memorial, and 169 did not. What did the War Department propose to do? They were going to obtain 20 acres of ground at a distance of about two miles from Oxford. They would not interfere with the maid-servants; they would not interfere in the slightest degree with the unattached students of the University, wherever they resided; and the whole provision was to be—a lieutenant-colonel, a major, six captains, four subalterns, a paymaster, a quartermaster, a surgeon, 45 non-commissioned officers, and 50 old soldiers, many of them married. The remainder would be recruits under strict discipline, and undergoing drill. The hon. Member for Nottingham said that recruits were very troublesome, and that it was very unreasonable they should be brought to Oxford. But the reason why Oxford was selected was because it had a larger population among which enlistments for the Army could be made than any other town which could be selected; and when it was urged that even the opportunity for such an enlistment was an evil in itself, he (Mr. Cardwell) could not help expressing his belief that those who enlisted were improved by the discipline to which they were subjected, and were thereby made better members of society. He was told they should go to Woodstock; but was it likely they would consent to go there when they could have a recruiting market at Oxford? The population of the Parliamentary borough of Oxford was returned at 31,404, while that of Woodstock was only 7,477; so that, whatever exception might be taken to the phrase, Woodstock was a desolate place when compared with Oxford in respect to recruiting population. Again,

there were these important considerations. If they went to Woodstock they would be entirely out of the way of the recruiting population; but if anybody would look at the map, they would see that of all places Oxford, although on the outskirts of the country, was, nevertheless, as central as any other place they could pitch upon, and was more accessible by railway. Besides, Oxford was connected with the 52nd Regiment, and was the head-quarters of the Oxford Militia, which corps, he believed, desired to be placed there, and the citizens certainly desired to have the dépôt there. The proposed site for the dépôt had the approval of the military authorities whom he had consulted on the subject, and General M'Dougall had reported in its favour. The engineering officer who had visited the spot also reported that the site possessed many advantages—it had a light sandy soil, suitable for building and camping purposes; it was in a sheltered situation; its distance from the town of Oxford was sufficient to prevent annoyance to the inhabitants; and the only disadvantage, the difficulty of obtaining an abundant supply of water, had been met by the undertaking of the corporation in that respect. With regard to the harm which it was supposed would result from the presence in the town of the military, as connected with the establishment of a dépôt centre, Lord Shaftesbury's opinion contrasted with that of the hon. Member for Nottingham. It was that these institutions were likely to be the best training schools in the country. Besides that, he had in his hand a letter from a gentleman who had long been a tutor and a distinguished ornament of Trinity College, Dublin, and in that letter the writer said that, though he had never heard of any ill-effects to the students arising from the proximity of the garrison to the University, he had known many instances in which the officers of regiments had derived advantage from being quartered in the neighbourhood of the University. There were garrisons not only at Eton and Winchester, but at Edinburgh, Glasgow, and Aberdeen; and Oxford was surely no such sickly plant that it could not bear what other places endured without injury, and that it could not tolerate the presence of 15 chosen officers, 45 non-commissioned officers, 50 old soldiers, and a few recruits.

*Mr. Cardwell*

Mr. GATHORNE HARDY, in supporting the Motion, said, that the University of Oxford would be quite willing to allow a military centre to be fixed in or near that city when the military necessities of the nation placed it in the position now occupied by Edinburgh, Glasgow, and Dublin; but the right hon. Gentleman had sat down without giving the House any information whatever as to the military necessities of the case, so far as Oxford was concerned. Indeed, as a proof that the fears of the University authorities were not without foundation, it was well known that at the time when the Militia was out for training the discipline of the University was much more difficult to maintain than at other times. [Mr. CARDWELL: That is just one of those things which, by this plan, we propose to put an end to for ever.] The right hon. Gentleman complained that the Members for the University had taken no active steps in reference to this subject. For his part, he moved in the matter early in the Session. On the 17th of February, he had questioned the right hon. Gentleman as to the site, and had been told that it was not absolutely settled; but when it was decided upon, the right hon. Gentleman said that he would have no objection to produce the Report of Prince Edward of Saxe-Weimar. In the meantime, the present Motion was placed on the Paper; and in consequence, he obtained permission of the right hon. Gentleman to see Prince Edward of Saxe-Weimar's Report in writing, which had since been printed, and laid on the Table. In short, he had simply been waiting for information on the whole subject, and did not see what more he could have done. Had he found that there were cogent military reasons for placing the dépôt centre at Oxford, he would not have moved further in the matter but the contrary appeared to be the case. The proposed site was about two miles from Oxford, but the need for it was so little imperative that the question of £50 an acre more or less might make all the difference. It was a question of cost; indeed, upon this very point of its advantages for recruiting purposes there was evidently a diversity of opinion, for the general officer sent down by the right hon. Gentleman to survey the district had himself recommended a place near Woodstock in preference to Oxford; and if they

were to look at the military dépôts generally, they would find that their selection did not depend upon the considerations which the right hon. Gentleman insisted upon in the case of Oxford. The question was not the training of 250 recruits at Bullingdon, but those recruits would resort to the town as a matter of course when off duty; for there must necessarily be at times large numbers of recruits, and in the train of the soldiers that peculiar element of population which, say what they might, was always to be found in the neighbourhood of garrisons. It seemed to him idle to say that the fact of the station being two miles from town made a great difference. The moment the men were off duty they would direct their steps towards the large town of Oxford, and towards those parts of it to which Militia found their way. The right hon. Gentleman told them what a noble Lord said about the Military Manœuvres, and the way in which the soldiers behaved when they were in strict discipline; but that was entirely irrelevant to the conduct of the recruits who were to be brought into this dépôt. One of the military reasons given for the selection of Oxford was, that it was the only city with a large population in the brigade sub-district, and offered, for that reason, the best recruiting district. He did not deny that it offered these facilities; but the military authorities did not think that of such paramount importance as to prevent them from mentioning High Wycombe and Woodstock as appropriate places for military centres. It was said that Oxford was the headquarters of the Oxford Militia. That was one of the very things of which the deputation to the Secretary of State for War complained. It interfered most materially with the discipline of the University, and therefore they complained of the attempt to make Oxford a military centre. Another reason for this selection was, that Oxford was historically connected with the 52nd Regiment. There was not a more gallant regiment in the service than the 52nd; but he had looked over the history of that regiment, written by one of the old chaplains, and he was not able to find a single particular in which it was connected with Oxford. The 52nd Regiment, whose distinctions were emblazoned on its banners, had obtained all its

honours without ever being brought into connection with Oxford. He was not saying that it was not desirable for a regiment to have an historical connection with a particular city, but they were in this case also bringing a Buckinghamshire regiment into Oxford, and Buckinghamshire had as much right to have its local interests and connection considered as any other place. No doubt Oxford had considerable advantages in the matter of railway communication. There were many other places, however, which had the same advantages, and his experience in going to Oxford led him to say that it was not one of the best places in the kingdom so far as railway accommodation was concerned. Didcot Junction was an unpleasant association in travelling to Oxford, and High Wycombe would have been practically almost as convenient. Was it unreasonable that the University, having found the evils connected with the Militia, should apprehend similar difficulties from this dépôt being in the immediate neighbourhood of Oxford? The right hon. Gentleman had told them that the question was still open, and that a site had not yet been purchased—a few pounds might make the difference. He did not know how many pounds it would require to make the Chancellor of the Exchequer put his veto on this purchase, but the memorial which had been addressed to the right hon. Gentleman the Secretary of State for War demanded the greatest attention. It represented practically the whole of the teaching power of the University. Many who were not able to sign it from being absent had expressed their readiness to do so, and it contained the names of 24 University Professors, and 112 tutors and lecturers in the Colleges and halls. The right hon. Gentleman said that some of the heads of houses had not signed it; but it did not profess to come from them, but only from the Professors, tutors, and lecturers engaged in the practical work of education. It was signed, among others by Dr. Pusey, Mr. Jowett, the Master of Balliol, and Dr. Heurtley, the Margaret Professor of Divinity; and what object could they have but the moral benefit of the University? With respect to the town, there were, he would not say sordid, but money considerations to be taken into account. He thought that they had been falsely taken into

account. Oxford was growing; villas were springing up on the Banbury and Woodstock side; and all of them were connected with the education of the University; and would not the selection of Oxford as a military centre affect the minds of those who were coming to the city for the sake of the education, which had been thrown open to the nation? He asked the House to set the interest of the nation against the supposed interest of the locality, to set the moral feeling of the University against the sordid feeling of the town, and to support the Motion of the hon. Member for Nottingham (Mr. Herbert.)

MR. VERNON HARCOURT said, he would ask the House to deal with this question in a practical and business-like manner. Subject to difficulties as to gas, water, and drainage which had been overcome, the military authorities had selected the site near Oxford, and that being so, he was unable to appreciate the reasons which had induced the two right hon. Gentlemen the distinguished Members for the University of Oxford to enlist under the banners of the hon. Member for Nottingham (Mr. Herbert). They had done what was often done before Parliamentary Committees; they had suggested alternative places for this military centre which were not practically before the House, and one of them had mentioned High Wycombe. He did not know if they would have the assent of the right hon. Member for Buckinghamshire (Mr. Disraeli) to that proposal. If the evils produced by the military recruits were so great, and so injurious to the studious shades of Oxford, he felt sure they would have the right hon. Gentleman the Member for Buckinghamshire coming forward, and seconding a Motion refusing to sanction as a military centre a place in which he was so much interested, and whose population including the maid-servants he would naturally desire to protect, from the evils of military settlements. The other Representative of the University had suggested Woodstock—he did not know whether with the assent of the Duke of Marlborough, but he should like to hear the opinion of the hon. Member for Woodstock (Mr. Barnett), on that point, and would ask how he could vote for the Motion, if the result were to save Oxford at the expense of Woodstock? Moreover, why should the Duke of Marlborough

have what was described as a moral plague brought to a town in which he was so much interested? The real question to consider was, whether this was an evil at all. Was it an evil which arose from the society of the officers, or the propinquity of the common soldiers? They were accustomed to speak, he believed, not lightly, of British officers as officers and gentlemen; almost every Member of the House had relatives in the Army; and was it to be said, that they would demoralize the University by sending to the City of Oxford the regiments into which they did not hesitate to send their sons? Was it to be said that the members of the University would be degraded by being brought into the society of officers and gentlemen? If the evil contemplated was not likely to arise from the presence of the officers, were they prepared to assert that the Undergraduates would be degraded, and a town of 40,000 inhabitants polluted, by the presence of 200 or 300 soldiers? It would be extremely injurious to their military system if such a view should be taken by the House. At one time, it was considered a degradation to enlist in the British Army; but that was not so now, and a soldier who returned to his native village was looked upon rather as elevated than lowered in the social scale. If that House was about to affirm that a man's becoming a soldier, placed him so low in the social scale that he ought to be removed from society, they were doing their best to destroy the possibility of having a voluntarily-recruited Army. He ventured to say that the apprehension of the University was a sentimental one, and two officers well known to his right hon. Friend opposite, Captain Fane and Colonel Shouldham, had expressed their indignation at the aspersion which had been cast upon the profession to which they belonged. Were they going to toast the Army and Navy at banquets and make great speeches, and then when it was a question of quartering a regiment on a town turn round and say—"Good God! don't do anything of the kind; you will injure and destroy the population?" With respect to the site, it was a curious fact that, notwithstanding the objection which had been made to it, the authorities of Pembroke College were contending with private proprietors for the custom of the Government. It was equally

remarkable that the Heads of Houses, who were especially responsible for the discipline of the University, did not sign the memorial to the right hon. Gentleman. Was the House, he asked, about to say that there should not be a military centre in any town? Well, if they were, they ought to go back upon the policy they had adopted up to the present time, and undo all they had done in that direction. Similar apprehensions were entertained by the University with regard to the original construction of the railroad to Oxford, and afterwards to the establishment of the Great Western Railway works, but such fears were unfounded; and he hoped the House would not, by agreeing to the Motion, place in antagonism the University and the town, between which agreeable relations now existed.

SIR HARRY VERNEY said, it was clear that Oxford was the first place for education in the world. No man had a higher attachment to the Army than himself; but he believed that the presence of a large military body brought with it some accompaniments that were not desirable, and he confessed that it might be injurious to the moral character of the University to have a military centre near the city. Men of high position had told him they refused to send their sons to Cambridge on account of the vicinity of Newmarket, and he feared that were Oxford injured in a moral point of view the same objection would apply to it. He believed that there was no military reason why Oxford should be selected; on the contrary, there were reasons against the selection of this special locality.

MR. BARNETT said, he should not vote for the Motion. With regard to Woodstock, he was not aware till a few days ago that any idea existed of establishing a military dépôt in that neighbourhood; but he thought it would suit admirably. He was not authorized by the Duke of Marlborough to express his opinion on the subject; but he had heard his Grace express an opinion like his own, that the apprehensions of the University were much exaggerated. Balingdon was some distance from the town, and the officers would be men of some standing.

SIR HENRY STORKS denied that there was any intention of introducing a body of troops into Oxford; on the con-

trary, the town would actually be relieved of the periodical assembling of the Militia, who, instead of being trained and billeted in Oxford, would be removed to the dépôt two miles distant. The railway accommodation of Oxford was superior to that of Wycombe, and so far from the question being still open, it was only a matter of site, to be governed by price and sanitary and other considerations. He could not think that this dépôt would be dangerous to the undergraduates of the University. The hon. Member for Nottingham (Mr. Herbert) had served in a very distinguished regiment, not long indeed, but long enough to know the character of the officers and men, and he was surprised that the hon. Gentleman should repeatedly prefer grave charges against the Army. Indeed, he thought the hon. Member would not dare to repeat in his own mess-room what he had just stated in the House of Commons.

MR. AUBERON HERBERT thought he had always guarded himself against such an imputation. He had spoken with severity of the system, and the system alone, not of the Army, for which he entertained respect and affection.

SIR HENRY STORKS regarded this as a distinction without a difference. He maintained that the system was good, and that the officers and privates were highly honourable men, who would bear comparison with any other class; and he repudiated entirely the charges which the hon. Member had made against the Army.

MR. T. HUGHES said, he had yet to learn when the placing of a military centre in the City of Oxford was sanctioned by the House. He wished to offer one or two observations. It was necessary that some of the dust which had been cast into the eyes of hon. Members should be blown away. ["Divide."] He had one or two remarks to make, and he would not detain the House long. The noise arose from hon. Gentlemen about the doorway, who probably knew little about, and were not members of, the University. As to the suggested comparison of University discipline to that of the Army, though both good in their place, their nature was quite distinct as no one knew better than the hon. and learned Member for the City of Oxford. He maintained that the heads of houses at the University were



against the establishment of a Military Centre at Oxford.

MR. HENLEY said, he had no doubt that it would be an uncommonly good thing for the City of Oxford, if the proposals of the Government were carried out, because it would cause a good deal of money to be spent there; it would also be a very good thing for his part of the country, because it would afford an excellent market for their fresh milk, butter and other produce; and besides that it would no doubt give to those living in the neighbourhood many very pleasant acquaintances. Again, the number of roads and railways which converged at Oxford, pointed it out as a situation having many advantages. On the other hand, there was a very peculiar body there—a vast number of persons under pupillage and education; and he had never known any subject on which there had been such a general assent among those who were concerned for the discipline of the University—nor anything like such a universal feeling of apprehension as existed on this matter. It was not easy for persons who were not responsible for the discipline of such a body as that, to judge whether those apprehensions were well or ill founded; he did not pretend to give an opinion on that point; but it would be a great national misfortune if the discipline of the University were interfered with. The proposal therefore was a matter of speculation; and the Government were taking the responsibility on themselves if evil consequences should result.

Question put.

The House divided:—Ayes 134; Noes 90: Majority 44.

Main Question, "That Mr. Speaker do now leave the Chair," again proposed.

#### CHINESE COOLIE TRADE.

##### OBSERVATIONS.

SIR CHARLES WINGFIELD, in rising to call the attention of the House to the Chinese Coolie Trade, remarked that, although the forms of the House prevented his moving the Resolution of which he had given Notice, he should proceed with his Motion, because the discussion would do good. The mortality on board the coolie vessels was dreadful—the average being 7 per cent,

while in some it ranged from 20 to 30 per cent, most of the deaths being caused by suffocation. The following were instances of the fearful mortality which he had stated:—In the *Ville de Grenada*, 83 died out of 253; in the *America*, 114 out of 690; in the *Antares*, 82 out of 263; in the *Louis Cornevara*, 192 out of 739; in the *Rosalie*, 64 out of 456; and in the *Onrust*, 45 out of 453. Those statistics were partly furnished by our Consul at Callao, and partly taken from a Peruvian newspaper. The coolies, who were kidnapped and inveigled to the port of embarkation, at Macao, were there placed in barracoons under a strong guard. Thence they were taken in boats, still closely guarded, to the ships in waiting to receive them. On their arrival on board, they were battened down under the hatches in such numbers that they were almost suffocated from the want of air and the horrible stenoh that ensued. They were only allowed on deck once a-day in squads of 30, while loaded cannon were kept constantly pointed at the place of their confinement. On several occasions, maddened by their sufferings, they rose and murdered the captains or officers placed over them. In one instance, a ship, the *Dolores Ugarte*, with 600 coolies on board had run short of water, and they could only procure it by buying it at the rate of a dollar a cup from the sailors. The result was, that out of the 600, 207 died, 18 jumped overboard, while 50 were landed at Honolulu in almost a dying state. The same vessel, having changed her name to the *San Juan*, again set out for Macao, under the Peruvian flag, and took fire; but the coolies were left battened down below the hatches, and out of 600, all but 50 were burnt. Having referred to the Correspondence in the Library, he found no less than four cases in which coolies had risen and murdered the crews of the vessels, and those were all British ships, because 15 years ago four-fifths of the tonnage employed in this traffic was British, but now not one British ship was concerned in it. Of the cases which occurred on board Peruvian and other ships he had no statistics. Last year a Peruvian vessel had been forced by stress of weather into Yokohama, and a coolie jumped ashore, and claimed the protection of the Japanese authorities; but he was sent back. The matter had, how-

Mr. T. Hughes

ever, been taken up by our Minister, Mr. Watson, and the result was that the Japanese Court of Inquiry had sentenced the captain to receive 100 lashes, or to be imprisoned, while the coolies were liberated. Why could not the British authorities follow the just and courageous example set them by the Government of Japan? Many of these coolie ships, on their way to Cuba, put in at the Cape; why were they not examined, and the coolies liberated if found to have been kidnapped or cruelly treated? An instance had occurred last year of 1,000 coolies being kept under hatches while the steamer which was conveying them was coaling off Table Bay, during which time they endured the most terrible sufferings. The hon. Baronet went on to relate other atrocities of this traffic, and affirmed that the description he had given was attested by all our countrymen in China. Consuls Winchester, Sir D. Robertson, Sir Rutherford Alcock, Sir Harry Parkes, Sir John Bowring, Sir Frederick Bruce, all unite in denouncing the crimes, miseries, and horrors of this traffic, and in attributing them to the employment of crimps and recruiters. The condition of the coolies when they reached Peru was that of slaves; they were bought and sold publicly; it was a common practice to brand them upon the cheeks and other parts of their bodies; they underwent corporal punishment; they were employed in the guano pits—a most disgusting and unhealthy labour—and in the plantations they were overworked, ill-fed, confined at night in large barracks, which were guarded by soldiers; and were completely at the mercy of masters who were beyond the restraints of law, while all hope of ever returning to their own country was cut off. In Cuba the condition of the coolies was much the same, and our Consul General at the Havannah, as well as the Special Correspondent of *The Times*, in a series of letters from Cuba, had stated that the unfortunate Chinese in that island were not in any way to be distinguished from negro slaves. The coolies were nominally under contracts for eight years, but by an edict of the Viceroy Valmaseda, they must leave the island in 40 days, or enter into a new contract, the result of which was that their slavery was perpetual, and the correspondent of a New York paper had shown how that law worked, for out of

600 coolies waiting at a port for ships to convey them home, 400 were seized by the Spanish Government and sold to planters for a long term of years. Representations as to the cruel treatment of the coolies had been made through the American Representatives in Peru and Cuba, and by the American Minister in China, to Prince Kung. The Prince thanked them. He said Macao is now the only seat of this traffic, and he hoped other Powers would not allow it to be carried on under their flags. At the same time, he sent a Proclamation to the Chinese in Peru, expressing pity for their sufferings, and regretting he could not alleviate them. Last year, the noble Lord the Under Secretary for Foreign Affairs said, in reply to a Motion that was made on this subject, that Her Majesty's Government had made friendly representations to the Government of Portugal, and he asked what other course Her Majesty's Government could take. After what had taken place, it was a mockery on the part of Lord Granville to profess to entertain confidence in the sentiments of humanity entertained by the Portuguese Government, and in their hatred of anything like oppression. To remonstrate, to expostulate with a Government so dead to every sentiment of humanity, was to beat the air. The only way in which the Portuguese Government could put an end to this traffic was by putting down altogether the crimps, recruiters, and barracoons employed and maintained in connection with it. This, the Portuguese Government would not do, as the petty settlement of Macao flourished on this slave traffic. It had been said that they ought to direct their efforts to the place of demand rather than the place of supply; but they could pretend no right to interference at Cuba or Peru, and what he thought we ought to do was to endeavour to prevent men being sold into slavery in the first instance. He believed that the continuance of this infamous coolie traffic, which was slavery in its worst form, would imperil our commercial relations with China, and what he asked the Government to do in the matter was to give the Chinese Government such moral support as would embolden them to demand the suppression of the traffic altogether. It would be a great mistake to suppose that because the traffic was now confined

to Macao the evil was diminishing. The statistics furnished by our Consuls in Peru and Cuba showed that 25,000 Chinese were annually sold into slavery in those countries, and the number would increase, for Cuba, in anticipation of the abolition of slavery had imported largely, and a proposal had just been submitted to the Peruvian Parliament that a grant of public money should be made for the increased importation of coolie labour. His hostility to the emigration of Chinese was confined to this emigration, under contract from Macao, and was not directed against the emigration, as it was carried on from China to Singapore, Australia, and the United States—that was when the Chinese go without solicitation, and pay their own passage. There was a large and constant flow of emigration from China to the United States, but the difference between the nature of this emigration and that of which he complained was shown by the fact that in the vessels employed for this service there had never been a single rising of Chinese, and the mortality was no greater than it was on land. It sometimes happened that a few Chinese returned to their own country, and the accounts they gave of the horrors of slavery were a main cause of the hostility which existed to foreigners, and the dislike to their settling in the interior of China for the purposes of trade. He, however, urged the adoption of his proposal on higher grounds than those of self-interest—namely in the interests of humanity. He asserted that the traffic in question was slavery in every stage of its progress—in the kidnapping—in the voyage—in the life of slavery to which they were doomed. It was simply a traffic in human flesh, maintained to enrich the corrupt officials and demoralized population of a petty settlement—Macao. He trusted the Government would not look with indifference upon the fact that 25,000 individuals—a number which would soon reach 50,000—were being annually sold into slavery in defiance of the protest of their own Government, whom one word of encouragement from us would embolden to put a stop to such an outrage. Slavery once stirred the heart of the people of this country, and if they seemed indifferent to it now it was only because they were under the impression that, owing to the exertions of their ancestors, the

*Sir Charles Wingfield*

hateful institution had been extinguished. When they realized the fact that slavery existed in all its most hideous features, he had no doubt the people would be moved by the same generous impulses as their ancestors had been, and would appear in their old characters as the most uncompromising foes of slavery. It would be no answer to his proposal to say it could not be effectual if adopted. If Her Majesty's Government knew of any more effectual method that would attain the end he had in view let them propose it. He only asked them to try and put a stop to horrors, to which it would be difficult to find a parallel in the most barbarous ages. Really when he thought of this coolie traffic, he was reminded of the words Lord Brougham used to stigmatize a great political crime. Referring to the partition of Poland, Lord Brougham said—"It vexes the faith of pious men to witness scenes like these, and not see the flames of Heaven descend to smite the impious and guilty actors." He thought this language equally applicable to the crimes he had described.

Mr. STEPHEN CAVE said, he was glad that that the hon. Member for Gravesend (Sir Charles Wingfield) had not fallen into the error committed by some persons, of confounding the Slave Trade from Macao to Cuba with emigration from Hong Kong to the British West Indies. It had often been erroneously assumed that Chinese emigration to the British West Indies had been attended by the same abuses as those by which the emigration from the Portuguese port of Macao to Cuba and Peru had been disgraced. An assumption more unjust to the Colonies was never made. What were the facts? In 1859, the Allied Commissioners of whom Sir Harry Parkes represented this country, arranged with the Chinese Government the terms under which coolies might be engaged for the British Colonies, and a Government agent was sent to China to commence operations. At that time a strong feeling existed in China against the Macao emigration, and it was thought probable that a properly conducted British agency would be the means of stopping, at least to some extent, the unlawful practices at Macao. The British agent opened a dépôt at Hong Kong, under such regulations as to place the character of his proceed-

ings beyond dispute. The success of his measures was complete. While the authorities were proceeding with the utmost severity against kidnappers, the English depôt was crowded with voluntary applications for emigration. The contract entered into with the Chinese provided for a free passage to the West Indies in British emigrant vessels under the provisions of the Passengers Act; the protection of the immigrant by the Colonial laws, 'as confirmed by the Secretary of State, and carried out under the supervision of Government officials; all disputes between employer and labourer being settled before the stipendiary magistrate, who was appointed by the Crown; a service of five years' agricultural labour, payment of money wages at the rate prevailing in the colony; and, in addition, house, garden-ground, and medical attendance during the term of service. In order that the emigrant might be induced to take his family with him, the females entered into no obligation except to reside on the estate; and they were to be supplied, free of cost, with suitable lodging, medicine, and hospital accommodation when necessary. At the close of their five years' service, the emigrants were free to choose their mode of life. Some entered into new indentures, receiving a large bounty; others preferred to make their own terms with employers for independent service on the estates; others engaged in retail trade, or cultivated provision grounds, or pursued any handicraft they might have been accustomed to in China; all enjoying as much real freedom and protection as they could have in England. Under this system emigration was carried on up to 1866, with the concurrence of all classes, and notably of a German missionary, who, after a voyage to Demerara and Trinidad, returned to China fully convinced of the advantage the Chinese would gain by emigrating to those Colonies. About this time, however, Sir Rutherford Alcock entered into a Convention with China, containing new and onerous conditions, the practical effect of which was to put a stop to the emigration to British Colonies. On the other hand, it had thrown no obstacle in the way of emigration from Macao, for since the closing of the British agency there had been an increased activity at that port, and emigrants were still engaged in different parts of China, carried

to Macao, and practically sold into slavery. With reference to the subject of the back passage, and as a distinguishing mark between the two different races, it must always be remembered, that wherever the Chinese went, he went as a colonist, married and settled in his new home, while the practice of the Indian coolie, as a rule, was to return to his native land. The British West India Colonies urgently needed labour, and offered advantages to the Chinese at least equal to any other countries—advantages secured to the emigrant on the good faith of the British Government, and for that reason, he trusted there was a prospect of the Convention being modified so as to allow the emigration to be resumed. The British Colonists, moreover, had long felt it a great hardship and injustice, that, while disposed to enter into and fulfil proper engagements, they had been debarred from obtaining labourers from this source, at the same time that other countries were procuring thousands every year, either by evading the terms of the Convention, or entering into engagements which they did not intend to carry out. This was one point upon which he hoped they should have an expression of opinion from the noble Lord. What the other was he would proceed briefly to state. The slave trade Blue Books recently issued contained a despatch from Lord Granville to Mr. Layard, the British Ambassador at Madrid, dated the 10th of April, 1871, referring to suggestions for the introduction of coolies into Cuba from British India. It stated that the Government—

"Can only consider a scheme for the introduction of British immigrants, when slavery is absolutely abolished in that island, and then only under the protection of a Treaty."

This pointed to the possibility of a Convention with Spain similar to those made, unfortunately, as he (Mr. Stephen Cave) thought, with the French and Dutch. The official Correspondence of 1872 had not yet been distributed, and he should like to know whether any negotiations to that end had been commenced, or whether the question had advanced at all since Lord Granville's despatch written two years ago. Now, the main objection to such a plan was that when once landed the immigrants were beyond the protection of this country. In our West India Colonies, the Government had thought the most stringent regu-

lations necessary for the protection of the people, and a direct supervision over every detail of the system. But none such were possible in Cuba. The immigrants to British Colonies were conveyed in emigrant ships under the provisions of the Passenger Acts; they lived under colonial laws securing their rights and liberty, laws approved by the Secretary of State and carried out by Government officials. Questions between them and their employers were determined by magistrates appointed by the Crown and sent out from England. Contracts and renewals of contracts were verified by the Immigration Agent General, who had power to prosecute employers and to act in every way for the protection of the immigrant. Their houses were to be of a specified character, the hospitals were under Government medical Inspectors, and the estate doctors were henceforward to be Government officers too. There might be, of course, from time to time cases of fraud and oppression, but he would venture to say not more frequently than in this country. Such regulations would be still more necessary in Cuba, where the planters had been accustomed to deal with slaves; but, evidently, the British Government could not enforce such a system there. The case of Réunion showed that the British Consul would be unable to act as an efficient check, and no security would exist for the proper treatment of the immigrants, or for the fulfilment of the contracts. The sufferings of the Chinese in Cuba, nominally free immigrants, but practically slaves, afforded a strong argument against placing British subjects in a similar position. He did not wish to say anything harsh of Spain, especially in her present difficulties; but her extreme negligence, to say the least, in carrying out her various Treaty engagements respecting the slave trade, showed that she was not yet to be trusted in these matters, and he should be glad to hear that the idea of sanctioning emigration from British India to the Spanish colonies, if ever seriously entertained, had been finally abandoned.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. MAGNIAC said, he thought the circumstances of the coolie trade were

such that anyone who had any knowledge on the subject ought to address the House. He concurred in the inutility of a Convention with the Spanish Government, and he trusted a strong opinion would be expressed by the House against the emigration from British India of any of our fellow subjects there, as there were in India thousands of square miles of territory which required labour. He entirely endorsed all that the right hon. Member for Shoteham (Mr. Stephen Cave) had said on this subject. The noble Lord the late Secretary of State for Foreign Affairs had only withdrawn his prohibition against the coolie traffic at Hong Kong on the conclusion of a Convention by which Chinese labourers had been carefully provided for under a system of rules and regulations which had been strictly and uniformly adhered to, and from information he had received, he could say that no complaint had ever been made with regard to any of the vessels on which they had been carried. The coolies had returned with considerable sums of money, having received ample wages for their labour. The hon. Member for Gravesend (Sir Charles Wingfield) had referred to the Convention proposed to ourselves and other foreign nations by China, but it was obviously never intended by China to be carried out. The edict was in force only on paper, and hence the state of things in Macao which he had so graphically described, and which there was no doubt was conducted as cruelly and horribly as it possibly could be. The hon. Member had said that our conduct in the past with regard to China was not calculated to inspire confidence on the general subject of the prohibition of slavery. [SIR CHARLES WINGFIELD must protest against the hon. Member for St. Ives (Mr. Magniac) putting words in his mouth which he had never uttered.] He (Mr. Magniac) could only say that he had taken down the hon. Member's words and was prepared to maintain that our conduct in regard to China had been particularly forbearing and worthy of being followed by other nations. The position of Hong Kong itself was a proof of this. At the present moment, no charge in regard to the improper shipment or emigration of coolies could be brought against anyone connected with Hong Kong. On the other hand, he was happy to say that a strong

*Mr. Stephen Cave*

community of feeling was growing up between those who resided at Hong Kong and the natives of China. The hon. Member very much overrated the goodwill of the Chinese Government in this matter. That Government was content to sit by, and see what occurred under their noses without any interference, and a reason for that was to be found in the fact that the Government at Peking looked to the governors of the various provinces only for a certain amount of tribute, and if that was forthcoming, the provincial governors were allowed to govern as they pleased. The Chinese officials were the worst paid in the world and, as a consequence, they made their gains as they could, and in that might be found the simple explanation of what occurred at Macao. The Chinese Government might put a stop to these proceedings to-morrow if they chose to carry out their own laws. Nothing was more beautiful than Chinese law on paper, but in practice nothing could be less effective. It was not carried out. The hon. Member recommended that we should pursue a vigorous course; but a vigorous course was too often a dangerous course, and in this case it might result in creating greater evils than those which we now sought to redress. The only way to deal properly with this horrible trade was to treat China as an independent nation, to give her good example, to support her where we could do so justly, and to remonstrate with her when her conduct might call for remonstrance.

MR. R. N. FOWLER said, that his hon. Friend the Member for St. Ives (Mr. Magniac) who had just sat down seemed to intimate that though these proceedings were very horrible, there was nobody to blame for them. His hon. Friend was, no doubt, a great authority; but an authority second to none in this country had shown in a letter to *The Times*, under the signature of "Veritas," that he was of a very different opinion, when he asked—

"Why had all these horrors of kidnapping and slavery been allowed to continue year after year without any effort being made by civilized States to put an end to them? What was done by the Spanish buccaneers 200 years ago had been revived in China without interference. The United States alone, of all civilized countries, had interfered in the cause of humanity by passing an Act for the suppression of this new slavery."

The writer showed that much might be done by this country if they would earnestly take the work in hand. Last year he himself called attention to this subject, and one of the statements which he then made was that gambling houses were permitted to exist in the British Colony of Hong Kong, that the Chinese, having lost in those houses everything that belonged to them, finally staked their persons, and that was one of the ways by which this horrible traffic was prolonged. He was sorry the right hon. Gentleman the Under Secretary for the Colonies (Mr. Knatchbull-Hugessen) was not now in his place, as he was happy to acknowledge that within the last 12 months Lord Kimberley had taken steps to put down that evil, and his principal object in rising was to thank the noble Lord and his right hon. Friend for what had been done. The right hon. Gentleman the Member for Shoreham (Mr. Stephen Cave) seemed to object to our paying the passage home of these coolies; but he had answered the objection himself, and shewn its fallacy, in the statement he afterwards made, that the Chinese were invariably colonizers, and in that event would be disposed to continue where they were. He certainly thought it was only justice that the return passage should be paid.

VISCOUNT ENFIELD said, he had listened to the hon. Member for Gravesend (Sir Charles Wingfield) with some surprise and perplexity, because throughout the whole of his speech there ran a vein of accusation, not only against the present Government, but against all Governments, for having been careless and indifferent as to the horrors of slavery. The hon. Member drew a distinction between this country and the United States very much to our disadvantage; but he must have forgotten that this very year we were incurring great pecuniary, and possibly moral, sacrifices in carrying out the mission to Zanzibar, which had for its object the suppression of the slave trade on the East Coast of Africa. If he interpreted the hon. Member's speech aright, the conclusion which he would have Parliament and the country come to was nothing less than a declaration of war against Portugal. The hon. Member had brought various accusations against former Governments in respect of the Chinese Coolie traffic.

But what were the facts? The question of the coolie traffic had attracted the attention of British Governments since 1853, and ever since they had endeavoured with various success to mitigate its horrors. But before going into the point he would join issue with the hon. Member and say that emigration and immigration of coolies, properly conducted, was not slave trade. He would recall to the House what had been done since 1853. The British Government had acted consistently both alone and in concert with other Powers for the defence of humanity in this particular question. Briefly mentioned, the results of its labours were as follows:—First, the Chinese Passenger Act of 1855; then the emigration system established in 1860; thirdly, the obtaining the assent of the Chinese Government to proper regulations in the Treaty of Tien Tsin; and fourthly, prohibiting Hong Kong from being a depôt for emigration to any but British Colonies, and in any but British ships. The statements made with regard to the horrors perpetrated on board the two ships mentioned by the hon. Member were quite correct. But when the case of one of these ships, the *Don Juan*, formerly called *Dolores Ugarte*, was brought to the notice of Her Majesty's Government, Lord Granville wrote a despatch to Mr. Doria, in Portugal, in such emphatic terms, as conclusively proved that there was no indifference on his part to the horrors perpetrated on board that ship. He (Viscount Enfield) regretted to say that the Portuguese Government thought it their duty not only to defend themselves, but inferentially to attack the Hong Kong Government and our emigration regulations. But we had a complete refutation of these accusations in a despatch of Sir Richard MacDonnell, dated January 8, 1872. The only drawback to the system was, that the immigrants suffered from violence on the part of loafers, who regarded the importation of such industrious competitors with jealousy. Sir Charles Murdoch also confirmed the report that the system had much improved under the Governor of Macao, Admiral da Souza. Changes had been made between 1859 and 1866 with regard to the regulations affecting Hong Kong, and the remarks of the hon. Member for St. Ives (Mr. Magniac) speaking as he did from personal

*Viscount Enfield*

acquaintance, must have been listened to with satisfaction. Great care was now taken to prevent abuses, no native recruiting was allowed, the depôts were under strict surveillance, the emigrant ships were examined as regards seaworthiness, the emigrants were questioned as to their willingness to emigrate, their destination and conditions of service, and many of them returned home, having saved money. The House should know the character of these men. The writer of a private letter from Hong Kong said:—

“The greater part of the men obtained are either men of indifferent character, more or less at variance with the local authorities, who have been in prison or quarrelled with their parents, or are given to drink, and of extreme stupidity. The majority are boatmen, about a third being agriculturists, or men employed on shore. These men are either deceived by delusive promises, by threats of being split on for some real or fancied offence against the authorities, or are induced by a continued round of dissipation and drink to promise anything. Many sell themselves to pay their gambling debts. The agents, who are natives, run great risks, for if found out by the authorities they get but a short shrift and a longrope.”

The hon. Member for Gravesend seemed to think we had refused to assist the Chinese Government. On the contrary, Sir Brooke Robertson, our Consul General at Canton, had acted with energy. He had observed large bodies of coolies leaving Canton every morning by steamers under British flag for Macao. He arranged with the Viceroy to appoint officers to examine all coolie passengers, and invited all who did not wish to go to Macao to step out and say so. On the first morning, 30 availed themselves of the privilege, next day nine, and others landed on subsequent occasions. That happened last year. Sir Brooke Robertson had again acted vigorously this year. About the beginning of March several junks with Europeans on board were reported on the coast opposite the Island of Hainan, and the Viceroy of Canton, at the recommendation of Her Majesty's Consul, sent a gunboat with orders to bring them to Canton. Three were captured; the Chinese crews were delivered up to the local authorities, but the European captured claimed to be a Portuguese, and a resident proprietor at Macao. The Viceroy accordingly proposed communicating with the Portuguese Government respecting him. In the end of March the Viceroy was going

to despatch two more gunboats to sweep the coast for Macao kidnappers, of whom it was stated there were above 20 vessels fitted out for that purpose. The hon. Member for Gravesend had also referred to the case of the *Maria Luz*. That was a Peruvian ship, with 200 coolies, and it was driven by stress of weather into Yokohama in July last. One coolie, who had jumped overboard, was taken on board Her Majesty's ship *Iron Duke* and handed over to the Japanese authorities; but he was sent back to the *Maria Luz*, beaten, and had his pigtail cut off. Mr. Watson, the British Secretary of Legation, on hearing of this, paid a visit to the vessel, and, ascertaining that he and other coolies were detained against their will, brought the matter under the notice of the Japanese authorities. After inquiry, the coolies were liberated and sent back to China, and the Chinese Government had thanked Mr. Wade for the friendly intervention of the British authorities on behalf of the coolies. The questions arising between the Portuguese and Chinese had created some difficulty, but the good offices of Sir Brooke Robertson had prevented any serious collision between the two countries. The fact was, that the Portuguese claimed jurisdiction over Macao by right of conquest; but the Chinese denied it. Some Portuguese adventurers obtained a footing there in 1516, and in 1557 permission was granted to the Portuguese to erect storehouses. In 1582 a ground rent was stipulated for of about £166, so it seemed clear that Macao was not ceded to the Portuguese. A private letter received from Canton stated that—

"Mutual concessions might lead to Portugal being admitted as a Treaty Power, and with a Minister of that nation at Peking, much might be done to ameliorate the condition of the coolies and rectify abuses."

The United States had lately suggested united action on the part of America and Great Britain, and a reply had been made in the sense that we advocated coolie emigration when properly conducted as beneficial to the coolies themselves and to the countries in which they were employed; that all emigration under contract to places not within Her Majesty's dominions was strictly forbidden from Hong Kong; that we were fully alive to the evils of emigration as practised at Macao, and were willing to co-operate with the Governments of other

countries with a view to put a stop to those abuses. The House would probably wish to know what assurance he could give as to the future action of Her Majesty's Government in that matter. It would be improper for him to indulge in any language savouring of menace towards Portugal; but anyone who carefully and dispassionately considered all that different Governments of this country had done in reference to that subject, and how they had urged the matter upon the attention of the Chinese, the Portuguese, and other Governments, would recognize the anxiety they had shown for the suppression of that coolie emigration, conducted in so lamentable a manner as it was from Macao to Cuba. They would continue to urge their representations, for they could not be insensible to the horrors of that traffic which had been brought under their notice. He hoped the House would believe that Lord Granville, faithful to the traditions he had inherited from Lord Palmerston, was as keenly alive as the hon. Member for Gravesend himself to those evils, and would do all in his power by friendly communication with other Governments which had a voice in the matter to put a stop to them. In conclusion he (Viscount Enfield) thought that we might look with honest pride upon the exertions which had been made by the present and by past English Governments in the interests of humanity and justice.

SIR HARRY VERNEY said, he believed that the statements of the hon. Member for Gravesend (Sir Charles Wingfield) in respect to the Chinese coolie traffic were not at all exaggerated—a traffic more cruel than any carried on in slaves from the Coast of Africa. These Chinese coolies were a civilized and intelligent race. They were much more sensitive than the poor negroes deported from Africa, and there was no doubt they were deceived and entrapped into those contracts. He therefore thought we had a right to complain on this occasion of the conduct of the Portuguese Government, and he hoped that some representations of a much more stringent character than any that had hitherto been employed would be made by Lord Granville upon the matter.

MR. EASTWICK said, he regretted that the question of the the emigration of coolies from Hong Kong had been introduced into the debate. The Motion



of his hon. Friend the Member for Gravesend referred to the emigration from Macao, and it was a pity that the discussion had deviated from that point and thus had given occasion to some rather severe remarks by the hon. Member for St. Ives (Mr. Magniac), and the noble Lord the Under Secretary for Foreign Affairs on his hon. Friend the Mover of the Resolution. It was true that we might have confidence that coolie emigration from our ports and under the supervision of British officers would be fairly and justly managed. At the same time the Report of the Commissioners sent to British Guiana, stating that the planters, having made a dear bargain with regard to Chinese immigrants, had tried to extricate themselves in not the most creditable manner, showed that even in our own colonies, with all the care displayed by the Government, questionable proceedings occurred, and that unremitting vigilance was necessary. He thought, too, that the Chinese Government had shown that they were not indifferent in regard to the matter of Chinese emigration by having expressed to Mr. Wade their thanks for the course taken by Mr. Watson, our *Chargé d'Affaires* in Japan, with reference to the coolie traffic. If that gentleman was able to do so much to put down this abominable traffic, as far as the Japanese Government were concerned, he should like to know why we did not exert ourselves with equal success to interfere with it at the Cape of Good Hope. As to Spain and Portugal, the latter an old ally, and with whom any hostile feeling was undesirable, he was bound to say their conduct was reprehensible in the highest degree. The noble Lord the Under Secretary of State for Foreign Affairs very properly used the diplomatic expressions of courtesy which must be used by those employed in a responsible position towards Foreign Powers; but he (Mr. Eastwick), as an independent Member, could imagine nothing worse than their conduct. Ever since the debate of February 16th last year he had been on the watch for some indication that this revival of the slave trade—this hateful Chinese coolie traffic from Macao for the benefit of the Spanish and South American Governments—was on the wane. But he confessed that so far from discovering any reason to hope that that would be the

case, he had, on the contrary, seen much to confirm him in the belief that unless some such course as that now recommended was taken, the traffic would increase. Some persons might, perhaps, derive comfort from the fact that negro slavery had just been extinguished in one of the Spanish Antilles, Porto Rico, and bore the appearance of giving way in Cuba, which had for so many years been its stronghold. Porto Rico, indeed, was a remarkable exception to the other Spanish Colonies, for there slavery had been abolished, not only with the assent of the Deputies, but even on their petition; but the circumstances of that island were so exceptional that no argument could be derived from what had been done there. Porto Rico had a population of 700,000 people on an area of 4,000 square miles, and but a seventh of that number had been slaves, and Consul Bidwell said that—

“Slavery would not there, as in other countries, be succeeded by any sort of forced labour, the existing population being ample for the work it has to do, and there being a unanimous feeling of opposition to any immigration of labourers—whether Chinese coolies, or negroes.”

Large quantities of sugar and tobacco were produced, and there was a surplus revenue, which, he was sorry to say, was taken by Spain to carry on the war in Cuba. In the latter Island the Governor and planters, according to the Report of a Committee reprinted in the *Diario* a Havana paper of October 20, 1871, stated that since the 3rd of June, 1847, 109,092 Chinese coolies had been introduced into Cuba, not one of whom had returned. The cost of their introduction was \$340 each, or something like \$37,000,000 in the aggregate. The Governor of Cuba argued that the intelligent proprietors and merchants of Cuba would not have laid out a sum so vast inconsiderately, and that, therefore, Asiatic colonization must be a wise measure. In his eyes the wisdom of the system was further demonstrated by the arrival during the last and present year at Havana of 2,715 Chinese, who were sold for \$400 each, “notwithstanding the unhappy state of the island.” Lastly, he brought, as a conclusive argument as to the fitness of this state of things, the fact that an association of rich planters had been formed with a capital of \$1,000,000, “for the sole object

Mr. Eastwick

of importing Chinese labourers exclusively for their own estates." The Report then went on to say—

"The insurrection is expiring: The Government should therefore prepare itself by profound and thoughtful study and meditation on the past and present, for the duty of setting the country in the way of material and moral progress. The scarcity of labour will be greater than ever, because of the great number of men who have perished, and the natural distrust of employing those—that is the slaves—who have been employed in the insurrection. It is necessary then to have recourse to measures already well known and accepted, and the resolution, therefore, is come to that Asiatic immigration—that is, the Coolie trade—is useful and of absolute necessity, and must be continued and increased."

And this more especially, because—

"Whilst free labour can find in manufacturing and mercantile pursuits, a comfortable recompense, it is not likely that it would engage in the rude and toilsome tasks of agriculture for the benefit of a third party."

Now, he asked, what hope could be entertained of the mitigation of the coolie traffic by the Spaniards, when its necessity was logically reasoned out, and its existence shown to be in the eyes of the Governor and the ruling class in Cuba essential not only to material but moral progress. In the same way the Portuguese Government of Macao, in spite of the notorious atrocities committed on board the *Dolores Ugarte*, and other slavers, coolly invited Mr. Baily, the United States Consul, to come over and see with his own eyes the perfection of the emigration system of that place. He did this in reply to such remonstrances as the following on the part of the Consul:—

"May I be so bold as to ask that your Excellency will permit me to officially inform my Government that you will interpose your authority to prevent that infamous ship having an opportunity to repeat the horrors of her last passage to Callao, and again flout her crimes in the face of the world, to the scandal of Christian civilization."

The reply was—

"Come and verify with your own eyes how the acts of emigration take place. You would certainly be convinced that in no part of China is this proceeded with with more exemplary regularity in objects of such high common interest."

The vessel was allowed to go forth, and 600 human beings were trampled to death, burnt, or drowned. After that, he asked what was the use of appealing to the Spanish or the Portuguese. The diplomatic correspondence with such

a people, on such a subject, was a solemn farce. What further proof was required of the futility of such appeals? But if such proof were asked, they had only to turn to Consul Hutchinson's Report on Peru for 1871-2. He said that such advertisements as the following were common in the journals of Callao:—

"To be sold for what he cost, a young Chinese, healthy, strong, and intelligent in his profession of carpenter. Whoever wants such may apply at the Calle de Lima, No. 69, bringing with him 450 dollars."

The Consul added—

"It occasionally happens that Chinese mutiny on the passage, although this is said to be a voluntary emigration. Whilst their engagements are accredited to be from five to eight years, I cannot ascertain that a shipment of any back to their own country has ever been made."

Well, it was the fact that in 1862, for example, 718 died on the passage out of 1,716, that is, more than 40 per cent. When to this we added the brandings of the unfortunate coolies with hot irons like cattle, and the burning of them alive by the populace of Peru, when they were goaded by their oppressors into some crime, he must say he was astonished at the forbearance of the Foreign Office in dealing with such a state of things. He was astonished that Lord Granville did not reply with an indignant rebuke to that large Cuban proprietor, Senor Raey, who proposed to import from British India three coolies, to make up for each one of the emancipated negroes, whom since the insurrection the Cubans could no longer trust in their barracoons. He was inclined to exclaim, "Oh! for one day of the more vigorous policy of Lord Palmerston," and to wish that we had no more of diplomatic correspondence with these slave-dealing Governments. There was a better alternative, and that was the course proposed by his hon. Friend, which, he hoped, would be generally supported, and that the Chinese Government would be enabled, with our assistance to establish an emigration office of its own, and put an end for ever to the deceptions and mock tribunals at Macao. He agreed with the right hon. Member for Shoreham (Mr. Stephen Cave) that Lord Granville's despatch to Mr. Layard appeared to encourage the idea of importing coolies from British India; but in another despatch Lord Granville referred to the scheme as impracticable. Possibly one

despatch was meant to be shown to the Spanish Government, and the other not. It was difficult to know what to do with Governments with which we wished to remain on good terms, and which yet were determined to carry on this traffic. We might, as indicated by the noble Lord, act in concert with the United States, which had shown a willingness to do anything they could to put down these nefarious practices. Influence might also be brought to bear on the Chinese Government at Pekin. The warmth shown by the hon. Member for Gravesend (Sir Charles Wingfield) in such a matter was only natural, and he thought the hon. Member's Motion had not deserved to be treated with quite the severity with which the noble Lord had treated it. It was only reasonable that philanthropic men should speak strongly upon such a question as this.

GENERAL SIR GEORGE BALFOUR said, he was satisfied with the reply given by the noble Lord the Under Secretary for Foreign Affairs (Viscount Enfield), and begged the Government not to slacken their efforts for putting an end to the hideous evils resulting from the kidnapping of Chinese, and from their transport to Spanish and South American possessions. Having considerable acquaintance with Macao, and with the great facilities for bringing thousands of Chinese coolies to that place by the numerous channels leading thereto from various parts of the mainland, and knowing the openings for corrupt commerce which existed at Macao, from the double system of government in that place between Chinese and Portuguese officers, he was afraid he could not hold out any hopes that the Government would be able entirely to prevent the kidnapping which was mainly carried on at that port. He trusted, however, that, in attempting to suppress it, they would not put an end to the free emigration of Chinese. He had had considerable experience in the Straits of Malacca of the great value of Chinese labour, which not only benefited the Chinese who there emigrated yearly in thousands, but rescued fine and extensive tracts of country from the jungle which covered the Malay Peninsula. He suggested that the most effectual mode of putting a stop to the existing evils would be to encourage the free emigration of coolies to our Colonies, under a well-

regulated system of transport, whereby both parties would be benefited; and to cheapen as far as possible, the cost of their conveyance, whereby the inducements for kidnappers to supply coolies under the present detestable system would be lessened, if not entirely removed. When once the coolies were landed in large numbers in our Colonies, they were so intelligent, and so ready to band themselves together in brotherhoods or trade unions, as to be quite able to take care of, and to provide for, themselves.

#### METROPOLIS—NEW COURTS OF JUSTICE.—OBSERVATIONS.

MR. GREGORY, in rising to call attention to the delay in the construction of the New Courts of Justice, and to move, "That such delay is prejudicial to the administration of the Law and to improvement in procedure," said, the question was of the first importance in the administration of the law, and was one that had excited the attention of that House, from time to time, from 1822 to the present time. That attention, gradually increasing, led to the appointment of a Committee upon the subject, upon the motion of Sir Thomas Wild. Nothing more was done until 1859, when a Royal Commission sat upon the subject, and reported upon it, recommending the purchase of a site, and suggesting that the sum of £12,000,000 stock lying in the Court of Chancery arising from accumulations of interest upon investments made by the Court, of suitors' money which would otherwise have remained idle, should be appropriated to the construction of the New Courts. In accordance with the Reports of this Commission, Bills were introduced into Parliament for the purpose of carrying out these recommendations, but from various causes they did not become law until 1865, when Lord Clarendon passed one, providing the funds for the construction of the Courts as recommended by the Commissioners. The other providing for the construction of the Courts by means of a Royal Commission, and accordingly in 1865 another Commission was appointed to consider the requirements of the offices, what the nature of the buildings should be, and to decide upon the designs, and generally upon the construction. The

*Mr. Eastwick*

Commission lost no time in setting to work. They certified that £1,500,000 would be sufficient, and proceeded to invite competition by different architects for the New Courts. They also proceeded to purchase the required land. When the designs came to be reduced to estimates, the sum which the Commission had stated to be the cost was very considerably exceeded, and the Government declined to carry out the designs proposed by the Commission. Thus matters remained from 1867 to 1869, when the hon. Member for Galway (Mr. W. H. Gregory), who was now no longer in the House, raised the question of the advisability of selecting a different site—namely, on the Thames Embankment. On that occasion, great surprise was excited by the Chancellor of the Exchequer suddenly proposing another site which had never been in any one's contemplation—the Howard Street site. A Bill was brought in by Mr. Layard to carry out that scheme; it was referred to a Select Committee, who, after hearing evidence on the question, reported in favour of the Carey Street site. In 1870, his right hon. Friend the First Commissioner of Works produced a block-plan for the construction of the Courts, which was acceptable to the profession and to every gentleman who had taken an interest in the question; and it was hoped by all parties that the building would be proceeded with. At the beginning of the Session, he put a Question to his right hon. Friend on the subject, and from his answer he understood that, although considerable delay had occurred in the preparation of the plans and estimates connected with the block-plan, they had been completed, and it was expected that the building would be started in March last. What had been done since he was at a loss to know; but he understood that no contract had been accepted, nor was there any prospect of the work being proceeded with. What was the consequence of that state of things? In 1865, steps had been taken for the purchase of the necessary land, and the sum raised from the Suitors' Fund in the Court of Chancery, which might be stated at £800,000, had been expended between 1865 and 1867. So far as he knew, that money had been lying practically unproductive ever since, with the exception of a short period a year ago, when the concrete foundations of

the Courts were being laid. Thus, during the last five years the interest had been lost, and taking it at a sum of £30,000 a-year, the loss on that head was not less than £150,000. But that was not all. By the provisions of the Act of 1865, the Government were bound to pay all the rates and taxes to which the houses which had been removed from the site were subject, and as those rates and taxes amounted to £9,000 a-year or more, making for the five years £45,000, a sum of about £200,000 had been substantially wasted. Any one at all acquainted with the subject could appreciate the inconveniences connected with the administration of justice, in consequence of there being one set of Courts at Westminster and another at Lincoln's Inn. He ventured to say, that the Bill now before Parliament relating to the administration of justice in the Superior Courts would be wholly useless until the New Courts were constructed, for there could be no fusion of law and equity so long as the Common Law Judges and the Equity Judges had no opportunity, by reason of the distance of the Common Law Courts from the Equity Courts, of communicating with each other. The price of labour and the cost of building, moreover, had increased and were likely to increase so that nothing could be gained by delay. He gave credit to the right hon. Gentleman for a sincere desire to carry out this great work, and he would certainly have the support of the House in withstanding any adverse pressure to which he might be subjected from other quarters. In conclusion, the hon. Member asked for a frank and full explanation of what had been done since 1870 towards completing the erection of the Courts; and moved the Resolution of which he had given Notice.

MR. OSBORNE MORGAN said, the land on this site had been bought seven years ago, at a cost of £800,000, and the loss of interest on that sum, together with the rates paid every year, amounted since then to little short of £250,000. Four years ago a Select Committee had reported in favour of the present site, and there was no reason why the building should not have been begun very soon afterwards. But these seven acres were left in a most neglected state. The grass was growing there a foot

high, and you might suppose that, instead of being in the most valuable part of the Strand, the land was in Timbuctoo. He was also informed that owing to the rise in the price of labour the building would cost 15 per cent more than if it had been taken in hand at once. But a point of greater importance than the pecuniary loss was, that we should never get a proper fusion of law and equity until our Courts were brought under the same roof. Possibly, the babe unborn might practise in the New Courts, though he himself despaired of doing so; whereas, if due diligence had been used, they might now have been completed.

MR. GOLDNEY remarked upon the loss to the suitors arising from delays which might, to a great extent, be avoided if the Courts were concentrated. It was estimated that the total amount of property in litigation was not far short of £200,000,000, and if each suit could be accelerated by one month, the gain to the suitors would be enormous.

MR. HINDE PALMER hoped the discussion would urge on the work, but he could not entirely blame the Government for the delay, because the first scheme of the Commissioners was of the most extravagant description and would have cost at least £3,000,000. It could not be denied, however, that in all public works undertaken in this country there had not been a single building in which the delay had been so great. To look at the site one would almost say that the property had "got into Chancery."

MR. AYRTON said, he was fully alive to the fact, that there had been very considerable delay in concentrating on some one spot, all the Courts and offices necessary for the administration of justice in the metropolis. That, however, was a grievance to which the public and the administrators of the law had been subject for centuries, and, as in other matters, the idea of re-construction had proceeded with extreme slowness. It was as difficult to deal with the material fabric of the Courts as with any alteration in the administration of justice in those Courts; and it was a singular fact, that Parliament was that year engaged in making arrangements not only for the building in which the Courts were to administer justice, but in re-constructing the entire basis on which justice was

to be administered; for it appeared that the legal profession had been going on for several centuries with a system of jurisprudence that was now announced to be erroneous. The hon. Member for East Sussex (Mr. Gregory) proposed a Resolution, to the effect that since the Government would not create by enchantment New Courts of Justice, the administration of the law was likely to be thereby impeded. No doubt, these were matters of the deepest concern, but it was impossible to hold the First Commissioner of Works, or the present Government, or even the present Parliament, responsible for all the delays that had taken place since the moment when it had been determined to concentrate all the Courts in one building. The inconvenience was recognized when the first Royal Commission reported that a reform was necessary, and when an Act was passed to carry that Report into effect. The responsibility was, however, divided between a second Royal Commission, appointed in 1865, and the Treasury, which found it impossible to transact business properly with a body so dignified and numerous as the Commission. While the Treasury seemed to leave the business in the hands of the Commission, the Commission on the other hand, cast the onus of responsibility upon the Treasury; but what were the real facts of the case? The Act of 1865 prescribed that the Commissioners were to satisfy themselves, and to certify publicly and solemnly that the site and the building together would not cost more than £1,500,000. The Commissioners signed a certificate accordingly, that the land could be acquired for £750,000; and that the building could be constructed for a similar sum, the site between Carey Street and the Strand being regarded as the most appropriate. Upon that certificate, the Treasury directed the site to be obtained, and it was acquired. While the public and the Legislature, however, were under the impression that the duty prescribed by the Act was being performed, the Commissioners, by a gradual process which he need not further describe, found that it was expedient to carry out the provisions of the law by embarking in an expenditure of £1,453,000 for the site, and £1,650,000 for the building, with £147,000 for further miscellaneous expenses, making a total of £3,250,000.

*Mr. Osborne Morgan*

The House knew what "rough estimates" were, and there were some who talked about the site and buildings as being likely to cost £4,000,000 before the edifice was finished. These proceedings had been carried on without any sense of responsibility, and was it surprising that when the present Government came into office in 1868, and had to face these proposals, that they should pause in sanctioning such an expenditure, when the Commissioners had solemnly certified that the building and site would only cost £1,500,000, and when Parliament had required that the work should be accomplished for that sum? It was a solemn undertaking also, that all the expense of the new building should be borne by suitors, and that none should be charged on the Consolidated Fund; therefore, any further expenditure beyond that originally sanctioned by Parliament would have been a great injustice to the public, as well as to those who resorted to the Courts for redress, and it was the duty of the Government to take care of the interests both of suitors and the public. The Chancellor of the Exchequer, for that reason, proposed a new scheme of a less expensive character. It was examined and, for various reasons, Parliament thought it better to adhere to the old site. The discussion, however, had the effect of opening the eyes of the public to the fact that so large a scheme was unnecessary. At the beginning of the year 1870 the matter came into his hands as First Commissioner, and he might therefore take that date as his starting point, although it had been necessary to make some remarks respecting the antecedent transactions. He also satisfied himself that what was necessary for the due administration of justice might be accomplished as regards the building for £750,000. As to the question of land, he put it aside now, because an Act had been passed to charge the additional expenditure for land on the unfortunate suitors in time to come; but £750,000 having been set apart by the certificate of the Commissioners and the Act of Parliament for the construction of the building, he gave Mr. Street directions to prepare plans so as to keep the building within the specified sum, while covering all the expenses incidental to making it fit for occupation. After some time Mr. Street put him in a posi-

tion to deal with this question as it ought to have been dealt with from the first; on the responsibility of the Government alone, or on that of the Board of Works, if the Government chose to leave the responsibility to that Department. The plans he submitted to the Commissioners, who, without pledging themselves to a minute and specific approval of any detail, considered they properly fulfilled their functions by signing a Report which approved generally of the plans. That Report was made on the 27th of July, 1870, and it was not until then that the requirements of the statute had been fulfilled; for, according to the law, the Government possessed no power to proceed with the construction of the building before the Commissioners signed that Report. Although the end of July was not a convenient period for embarking on an important undertaking, that was for him (Mr. Ayrton) no obstacle. As soon as he was placed in possession of the Report, with a request from Her Majesty's Government to give effect to it, he proceeded to make the necessary arrangements, and on the 23rd of September he arrived at the conditions on which Mr. Street was to be employed to execute the plans. As soon as that gentleman had signed his contract, instructions were given to him to prepare sketch-plans to be delivered on the 1st January, 1871, the further condition being that he was to deliver the contract-plans and drawings within six months after the preliminary sketch-plans had been approved by the Office of Works. When Mr. Street sent in the sketch-plan in January, 1871, many questions arose of a practical character as to the nature of the accommodation to be afforded and the mode of constructing the building. Discussions arose between Mr. Street, the Office of Works, and the Treasury. Several modifications were made in the plans, and on the 5th of August the Treasury stated that they were prepared to approve the contract-plans, provided they were so made that the work could be executed within the limit of the amount prescribed by the law. From the 5th of August, 1871, Mr. Street had six months to prepare his contract plans, but the details were of such a kind, that it was not until the 27th of February, 1873, that the Office of Works was put in a position to invite tenders for the construction of the build-

ing. The tenders were sent in by the 25th of March, 1873, and in the judgment of the Office of Works, the lowest of them greatly exceeded the prescribed sum. Mr. Street was called upon, and was bound by the obligations into which he had entered, thoroughly to revise his designs and plans. He (Mr. Ayrton) put it to the House whether, from the 25th of March up to the present time, there had been any loss of time which could properly be said to justify the use of the term "delay" which had been made use of in the Resolution? The time, he maintained, was insignificant compared with the magnitude of the building. The Treasury having requested himself to undertake the task of revision, he had without delay, proceeded with the consideration of the question; and he had given an assurance that he would as soon as possible state the result to the House. What advantage, then, was there in discussion now? He had certainly much more reason than the hon. Member opposite for being anxious to bring the matter to a close, and to hand the building over to Mr. Street. The hon. Member wished to know what had been the tenders, and what were the points in dispute. It would be injurious to the public interests, while tenders were under consideration, to give information about them to the House; and he considered that it would be highly injurious to the public interests if he were to state all the views and opinions which he entertained as to the best mode of carrying out the contract. All that the Government could do was to state their own determination of what was to be done, and to submit their conclusions to the consideration of the House. What he wished to impress upon the House was, that that was not a mere question of money, for something more than money was involved in the question. He could not conceive a greater blunder than that the Government, for the sake of saving a day, a week, or a month, should precipitate themselves into the construction of a building, which might render it necessary for them to retrace their steps. These buildings were designed before the new system of administration of justice had been adopted, and it was necessary to consider some points as the mode in which justice was to be administered. Now, who was to be responsible? Was Mr. Street to be

responsible, or was the responsibility to rest on the Government? He contended that it was the duty of the Government to see that the buildings were suitable for the purposes for which they were to be constructed, and that the public money was not wasted in their construction. The Office of Works employed Mr. Street on behalf of the Crown, and he considered that Mr. Street was the servant of the Office of Works, and was bound to obey the orders of that Office. It would be incompatible with the conduct of the public service if it were to be assumed that Mr. Street was the employer of the Office of Works, and that it had nothing to do but to carry out its desires. In that there was nothing derogatory to the position of any architect. It might be instructive to the House to know what had occurred with respect to the construction of other public buildings carried on under Votes in Supply, and it was remarkable that all these buildings had undergone the fate of the proposed building from similar causes. Everyone knew what had occurred with respect to the buildings of the Houses of Parliament; why that very House was an example of what happened, until one of his predecessors was made responsible, and completed the building. So were the Home and Colonial Offices, on which it was proposed to spend £460,000. He (Mr. Ayrton) called upon the architect to reconsider his proceedings; and that architect, Mr. Gilbert Scott, at the head of his profession, had no difficulty in responding. Mr. Scott never made the least difficulty about doing what he told him. As he had said, he was told the Treasury had determined to make a "radical change," and it was a good thing to deal with these matters radically. The result was the expenditure was reduced to £264,000, and the building was in many respects better. When it was proposed to erect the new building for the University of London in a particular manner, it went on rapidly, but when it had risen five or six feet the House learnt about it, and immediately passed a Resolution condemning it, and it had to be pulled down at a cost of £5,000 and re-erected conformably to the views of the House. Was that an example to be followed in the present case? The same thing had occurred in the case of the Museum at Kensington, and yet nobody would say

*Mr. Ayrton*

that building, though much less expensive, was inferior to that which had been originally projected. The question was, whether it would not be better to spend one or two months in arriving at the solution of questions affecting the building rather than precipitate themselves into proceedings which would require future correction. It was absolutely necessary if they saw errors in the design or construction of a building that they should check those errors, and that they should not, either from a feeling of consistency or from a desire to shirk responsibility, allow the building to go on, and leave it to others to discover errors which it would require both time and money to correct. He did not anticipate that they would need to delay the construction of this building beyond a few weeks, in order to settle the questions which were now under consideration; but the House could not take a more unwise step than to cut into the middle of the negotiations which were now going on. It was impossible to explain all the details; it would be the work of hours and days—the work of a Department; but however that might be, when he had arrived at a result, he would be prepared to state that result in a perfectly intelligible manner; and when an estimate was brought forward any hon. Member would have it in his power to take the opinion of the House respecting it before any action was taken upon it or any expenditure incurred. That was the best footing on which he could at present leave the matter.

MR. BERESFORD HOPE said, that they must all admire very much the tender and conscientious susceptibilities revealed in the statement of the right hon. Gentleman the First Commissioner of Works; but he had not met the point which had been raised by the hon. Member for East Sussex (Mr. Gregory). He appealed to them almost passionately not to cut into the middle of negotiations, and declined to tell them the source of the delay which had arisen, but his hon. Friend had not asked for any Cabinet secrets; he had merely pleaded that some progress should be made in view of that great expenditure of time and money which all deplored. The right hon. Gentleman had not explained the present state of the negotiations. He simply told them what they all knew—that the plans had been hung up, and

that Mr. Street was on his trial, forgetting that it was four years since the Committee sat and 15 since that Commission had been appointed in the Session of 1858 on his (Mr. Beresford Hope's) Motion, which decided upon concentrating the Law Courts in one building. The right hon. Gentleman had spoken with considerable amplification of the magnificent scheme propounded by the Commission at that time much under the influence of that active man of large views, the late Mr. Field, whom all so much lamented; but that scheme had been entirely set aside, and no one thought of reviving it. The present scheme had been hung up not by the architect, but by that architect's many masters—the lawyers—who naturally wished to breathe fresh air, and to have easy staircases instead of breakneck ladders, and every one of whom wanted the largest and best accommodation for his own particular department, totally regardless of all the other Courts and officers, and of the stint of money which unfortunately stood in all their ways. Our Law Courts in London should not be made the embodiment of Napoleon's sneer against England as the nation of shopkeepers. During the last year builders' prices had risen at least 15 per cent, and much more than that, taking a longer period back. Should, then, the price of the building be restricted to the original estimate of £750,000, with the consequent deficiency, and want, and discomfort, which must be the result of such parsimony, and that at a time when the revenue was more elastic than ever it had been before, and when we could afford to pitch our millions across the Atlantic? The right hon. Gentleman spoke of £750,000 as if it was something in itself sacred and immutable, and not the mere symbol of the particular building which the law needed and which naturally came out at that cost calculated upon former prices. This building, but none other, they were now morally bound to carry out upon as reasonable terms as the actual labour market made possible, but in not less dignity than was intended three years ago, or the national honour would suffer.

MR. GOLDSMID thought the right hon. Gentleman the First Commissioner of Works had strained at a gnat and swallowed a camel. He said he would not go beyond the original £750,000



fixed by the Commission; but while he was waiting, he was spending £40,000 a year, the annual interest upon the sum paid for the land. That could hardly be called economy. Mr. Street in 1870 submitted a plan for building the Palace of Justice according to the then prices, and he ought not to be blamed if, three years later, prices had augmented 25 per cent. He (Mr. Goldsmid) did not understand the statement of the Government with regard to the tenders, as he found from *The Architect* newspaper that the highest tender was £950,000; the lowest, £732,000, the latter price being within the Government limit. It was the fault of the Government which had caused the delay, and he thought that the work should be commenced immediately, before any further rise in prices occurred. If Mr. Street were called upon to cut out the central hall in order to reduce the cost of the building, much further time would be lost—probably another year—and, besides, the public would be injured by the diminished accommodation. The loss of that year would involve a loss of £40,000 in interest, and of £9,500 a-year paid in rates; and it was very possible a further sum for the building, owing to a further rise in prices; so that this cutting down of the plans was the worst possible economy. It was not fair to the architect, nor to the public, nor to the suitors, that further delay should be allowed. He hoped the Government, after this strong expression of opinion from all sides of the House, would not hesitate to proceed with the building at once, and would not grudge the £50,000 or so, which they were in vain trying to save in this matter.

MR. W. H. SMITH said, there was a rumour that the right hon. Gentleman the First Commissioner of Works meant to curtail very seriously the accommodation which was to have been afforded to the public and the profession in the New Law Courts. That would be a very serious mistake, and he thought the right hon. Gentleman should state what his intentions were in this respect, before the contract was signed, instead of afterwards. Competent authorities thought the rise in prices in the building trade would continue, delay would therefore result in an increase of costs.

MR. F. S. POWELL deprecated the system of paltry economy which seemed to actuate the First Commissioner of

Works, in respect to the subject under discussion.

MR. ALDERMAN W. LAWRENCE said, he would admit you must cut your coat according to your cloth, but apprehended it was necessary in all cases to have a coat that would fit. It was, therefore, out of the question to suppose the right hon. Gentleman the First Commissioner of Works would persist in his intention to economize, by providing insufficient accommodation.

MR. T. E. SMITH commended the right hon. Gentleman the First Commissioner of Works for not having proceeded with the work in the present unsettled state of the building trade.

#### THE TICHBORNE CASE—

#### THE QUEEN v. CASTRO.—QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department, Whether he will lay on the Table of the House a Copy of the Application to the Treasury for such aid to the Defendant in the Tichborne Prosecution as he would have been legally entitled to receive if he had been committed for trial after examination before a magistrate, together with the Reply declining to afford such aid; and to call attention to the subject? He said, the course which had been pursued in this case was utterly unprecedented; and he wished to call attention to the subject now, because hon. Gentlemen were just about to separate for the Whitsuntide holidays, and during those holidays there might be a complete and irretrievable collapse in the case, so far as the Claimant's power of defending himself was concerned. That unfortunate gentleman would certainly be unable to continue his defence, and bring up the necessary witnesses, unless he received some assistance. The prosecution of the Claimant was ordered by the Lord Chief Justice of the Court of Common Pleas simply and solely upon the evidence as to the tattoo marks. Already the Claimant had been compelled by the Government to spend something like £3,000, which the instincts and feelings of the people of this country had led them to contribute, and the unfortunate man had been made the victim of extraordinary efforts on the part of the prosecution to keep him in prison. It was upon the tattoo marks alone that he was prosecuted; but where were these marks?

*Mr. Goldsmid*

MR. SPEAKER said, he must remind the hon. Gentleman that he was out of Order in going into the merits of the case. If the hon. Gentleman would confine himself to the expenses incurred in consequence of the prosecution of this person he would be quite in Order.

MR. WHALLEY said, he had further Questions to put to the right hon. Gentleman. One was, Whether the Government would afford such aid to the defendant as he would have been legally entitled to receive if he had been committed for trial before a magistrate? Another was, Whether, in the event of any Member of the House making a further appeal to the people to renew their subscriptions in favour of the person under trial, he would prosecute such Member for contempt of Court? and the last Question was, Whether the right hon. Gentleman had taken any steps to discover the authorship of certain letters which the Lord Chief Justice had pointed out to be forged and fabricated, and which had been brought forward at the last trial?

MR. BRUCE said, the hon. Gentleman had asked him four Questions. The first was—Who was responsible for that prosecution? His answer was, that he, as Home Secretary, was responsible for it. A person who was a party to a suit in a Court of Justice having been considered by the Judge to have committed perjury, the Judge in the exercise of his authority committed him to prison in order that he might be tried on that charge. The case was an important one. There was no person except the Crown to undertake the prosecution, and the Crown, in accordance with precedent, undertook it. Such prosecutions occurred frequently. The hon. Member wished the Crown also to undertake the cost of the defence; but such a proceeding was altogether unprecedented. The hon. Gentleman's second Question was, whether the Government would afford such aid to the defendant as he would be legally entitled to receive if he had been committed for trial after examination before a magistrate? Under the Act of the hon. and learned Recorder, passed in a previous Session, witnesses for the defence who appeared before a magistrate, and who were deemed by the magistrate to be material witnesses, might be bound over by him to appear on the trial; and at

the conclusion of the trial the Judge who tried the case might, if he thought proper, order the expenses of those witnesses to be paid. The defendant, in this instance, having been committed, not by a magistrate but by a Judge, there was no provision made by statute for the costs of any of his witnesses. But the answer he had given on the application made in this instance was, that at the conclusion of the trial he would, in conjunction with the Treasury, consider what was fair and proper to be done in a case of that sort. The hon. Member's third Question was, whether if an hon. Member made an appeal to the public for subscriptions for the defence of that person, he would desire the Attorney General to prosecute him? His answer to that—in accordance with what he believed had fallen from the Lord Chief Justice—was, that if such an appeal was made to the public in decent and proper language, it would not be a fit subject for a prosecution. The fourth Question put by the hon. Gentleman was, what steps did he propose to take with regard to certain letters in connection with that case which were alleged to have been forged? He knew nothing about those forged letters; but he believed the Lord Chief Justice had stated them to be wholly immaterial upon the point at issue, and he therefore could not see what advantage was to be gained by entering on any such investigation as to their authorship as had been alluded to. With respect to the correspondence referred to in the hon. Member's Notice, it could be produced if the hon. Gentleman moved for it.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

#### SUPPLY—ALABAMA CLAIMS.

SUPPLY—considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £3,200,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1874, for the amounts awarded to the Government of the United States of America under the Treaty of Washington 1871, in satisfaction of the Alabama Claims.

MR. G. BENTINCK said, he objected to proceeding with so important a Vote

at that late hour of the night, and would move that the Chairman report Progress.

THE CHANCELLOR OF THE EXCHEQUER hoped the hon. Gentleman would not persevere in the Motion, as it was most desirable that the Vote should be taken that evening in the interests of the public service. He would arrange that on Monday Supply should cease at half-past 10, in order to take the discussion on the Report.

MR. F. S. POWELL asked the Government to take the discussion on Monday before Supply.

SIR JAMES ELPHINSTONE also objected to proceeding with the Vote that evening.

MR. GLADSTONE said, it was for the national interest, in the highest sense, that when the Vote was first proposed there should be no appearance of hesitation on the part of the House of Commons in assenting to it. He should take care that hon. Members should have ample opportunity for discussing it when it came on again on Monday; and, if necessary, he would take care to arrange so that the discussion should be taken before half-past 10.

COLONEL BARTTELOT regretted that the front Opposition benches were empty, and that it was left so often to the occupants of the back Opposition benches to look after the interests of the country. While agreeing with the right hon. Gentleman that it was not desirable to resist the Vote on the present occasion, he disclaimed on the part of the House of Commons any responsibility for the payment of the money.

SIR GEORGE JENKINSON thought the whole transaction must be looked upon as matter of national humiliation, and contended that when the Americans refused to withdraw the Indirect Claims the honour and interest of this country demanded that we should have washed our hands of the Treaty. *The Times*, which was generally supposed to be the Government organ, wound up a long leading article by stating that there were good grounds for supposing that the Indirect Claims had in effect been paid, although they were nominally excluded.

THE CHANCELLOR OF THE EXCHEQUER pointed out that, as he had said on a previous occasion, this country was bound by the Rules contained in the

Treaty, but not by the observations made by the Arbitrators.

MR. G. BENTINCK expressed his willingness to withdraw the Motion for reporting Progress if the Government would give an early opportunity for discussing the question on the Report of the Vote.

MR. GLADSTONE said, the Report should be taken at 9 o'clock on Monday.

*Motion agreed to.*

*House resumed.*

Resolution to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

#### REGISTER FOR PARLIAMENTARY AND MUNICIPAL ELECTORS BILL.

(*Mr. Attorney General, Mr. Hibbert.*)

[BILL 105.] CONSIDERATION.

Bill, as amended, *considered.*

Clause (Correction of mistakes by revising barrister,)—(*Mr. Attorney General*),—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

*Debate arising;*

Motion made, and Question put, "That the Debate be now adjourned."—(*Colonel Barttelot.*)

The House divided:—Ayes 13; Noes 53: Majority 40.

Original Question put, and *agreed to.*

Clause read a second time, and *added.*

Clause (Commencement of Act,)—(*Mr. Attorney General*),—*brought up*, and read the first and second time; amended; and *added.*

Clause (Adjournment of Court by revising barrister,)—(*Mr. Goldney*),—*added.*

Clause (Publication of overseers' lists,)—(*Sir Charles Dilke*),—*added.*

Amendments made.

Amendment proposed,

In page 13, line 40, to leave out the words "five shillings for every hundred names," and insert "two pence for every death entered in such Return,"—(*Mr. Hibbert*),—*instead thereof.*

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment, by leave, *withdrawn.*

*Mr. G. Bentinck*

Mr. JAMES, in moving an Amendment in Clause 32, said, he did so with a view to remove the existing disqualification of town clerks to act as agents for candidates.

**Amendment proposed,**

In page 16, line 34, to leave out the words "or as agent for any candidate at any election for the representation of such city or borough."  
—(Mr. James.)

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 11; Noes 44: Majority 33.

Other Amendments made.

Bill to be read the third time upon Monday next.

**LOCAL GOVERNMENT PROVISIONAL ORDERS  
(NO. 4) BILL.**

On Motion of Mr. HIBBERT, Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Baldersby, Bristol, Buxton, Dawlish, Nelson, and Wellington, in the county of Somerset, ordered to be brought in by Mr. HIBBERT and Mr. STANSFELD.

Bill presented, and read the first time. [Bill 174.]

**HARBOUR DUES (ISLE OF MAN) BILL.**

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to make provision for the taking of Harbour Dues in the Isle of Man.

Resolution reported:—Bill ordered to be brought in by Mr. BAXTER and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 175.]

House adjourned at Two o'clock,  
'till Monday next.

**HOUSE OF LORDS,**

*Monday, 26th May, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Municipal Corporations Evidence\* (129).

*Second Reading*—Rock of Cashel (90), *negatived*; Consolidated Fund (£12,000,000)\*; Metropolitan Tramways Provisional Orders (No. 2)\* (114).

*Committee*—Vagrants Law Amendment\* (98-130); Fairs\* (97-131); Tramways Provisional Orders Confirmation\* (92).

*Committee—Report*—Local Government Board (Ireland) Provisional Order Confirmation\* (116).

*Third Reading*—East India Loan\* (109); Oyster and Mussel Fisheries Order Confirmation\* (95), and *passed*.

*Royal Assent*—University Tests (Dublin) [36 *Vict.* c. 21]; Fulford Chapel Marriages Legalization [36 *Vict.* c. 20]; Gretton Chapel Marriages Legalization [36 *Vict.* c. 25]; Peace Preservation (Ireland) [36 *Vict.* c. 24]; Australian Colonies (Customs Duties) [36 *Vict.* c. 22]; Superannuation Act Amendment [36 *Vict.* c. 23]; Gas and Water Provisional Orders [36 *Vict.* c. xlii].

**ENDOWED SCHOOLS COMMISSIONERS  
—KING EDWARD VI.'S GRAMMAR  
SCHOOL, BIRMINGHAM.**

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD STEWARD OF THE HOUSEHOLD (The Earl of Bessborough) reported Her Majesty's Answer to the Address of Monday last, as follows:—

MY LORDS,

I HAVE received your Address praying that I will withhold My assent from the scheme of the Endowed Schools Commissioners, relating to the Free Grammar School of King Edward VI. in Birmingham.

I WILL withhold My assent from the scheme in conformity with your desire.

**ROCK OF CASHEL BILL—(No. 90.)**

(The Lord Stanley of Alderley.)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD STANLEY OF ALDERLEY, in moving that the Bill be now read a second time, said, its object was to allow the people of Ireland to restore the ruins on the Rock of Cashel by private subscriptions. This could not be done without an Act of Parliament; because the Rock, after the Act for Disestablishing the Irish Church, passed into the hands of the Church Temporalities Commissioners, who had transferred its custody to the Board of Works, and had set aside a sum of £7,000, the interest of which was to maintain a few custodians of the Rock and its antiquities. In doing this the President of the Church Temporalities Commissioners exercised a sound discretion, since it was necessary to take immediate measures to prevent the damage caused to the sculptures and antiquities of the Rock by tourists and others, and he believed that the damage recently inflicted had been very great. Of course, if this Bill passed, the £7,000

temporarily set aside for the maintenance of the antiquities would revert to the fund of the Disestablished Church. This Bill had, therefore, the effect of amending, and might be intitled a Bill to amend, the first sub-section of Clause 25 of the Irish Church Act of 1869. He must now go into the history of the Rock of Cashel. Its church was founded in the year 903; other buildings were added, and many tombs of Irish Kings and chieftains were situated upon the Rock. He had better leave to others to inform their Lordships more fully respecting the antiquarian interest which attached to the Rock of Cashel. After the Reformation the cathedral on the Rock became the property of the Protestant Irish Church; but in 1745 Archbishop Price, the then Diocesan, removed his cathedral church from the Rock to the low ground, for the Archbishop was a stout man and averse from walking up a steep hill, and he stripped the roof of the cathedral and used its timbers for building a modern church and his own house. In 1749, Archbishop Agar, having proved that the old cathedral was incapable of restoration, the ruins and the new cathedral in Cashel were consolidated by an Order in Council. The Disestablished Church might, therefore, be fairly said to have given up and renounced a church which it had turned into a ruin, and which had remained a ruin up to the present time. He did not wish to blame Archbishop Price for an act done in an age when taste and art and the knowledge of architecture were at a very low ebb; and he might state that an Irish newspaper—which might, for aught he knew, be an organ of Home Rulers—was very temperate in its language with respect to this matter, and excused Archbishop Price on the ground of the ignorance of the times in which this vandalism was perpetrated. But the effects of this demolition survived, and were felt more strongly in this age when the Irishman saw the shrines so unnecessarily ruined, and the shattered tombs of his national heroes, and it was but natural that the maxim which held good in Pagan Rome should hold good in Christian Ireland—

*"Delicta majorum immeritus lues,  
Romane, donec templa refeceris  
Ædesque labentes Decorum,  
Et foeda nigro simulacra fumo."*

But the Protestants of Ireland did not

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only renounce the possession of this cathedral when they made a ruin of it; they did so a second time by the force of circumstances after the Act of Disestablishment, when they did not claim it from the Irish Church Temporalities Commissioners. They did not do so because they had no need of it, and had no funds for rebuilding it, and had no worshippers to occupy it if rebuilt; for the Protestant population of Cashel was only 300 among 3,700 Catholics, and in the county there were only 13,000 Protestants to 200,000 Catholics. For the Protestants, therefore, to refuse to consent to the ruins of the Cashel Cathedral being restored to life and usefulness, and to insist upon their being kept as ruins, would be for them to act the part of the false mother before Solomon, who preferred to have the useless half of a dead child sooner than that her rival should have the living child. They were not told why these mothers should have been rivals, and there was no reason why Protestants and Catholics should carry rivalry to this extent, as there was room for both. There was an argument against the restoration of the Rock of Cashel, but which would hardly be put before their Lordships, because this was not a dinner of the Royal Academy; that was the painter's argument—that ruins are picturesque and ornamental. Now, it might be admitted that the fragment of a tower entirely covered with ivy was a picturesque object; but their Lordships would probably agree with him that the broken arches and windowless mullions of a cathedral were painful objects, as much so as the ribs of horses and camels near the top of a mountain pass which they had failed to surmount, or the spectacle which he had seen at the Sulinah mouth of the Danube, of the naked ribs of more than 20 wrecks strewing the beach on either side of the bar. But if these sights were unpleasant, how much more were they so when one considered, as their Lordships were bound to do, the inner meaning of these ruins? The ruins of a church denoted either decay of population, decay of faith, or the ravages of invasion or the worse havoc of civil war. The ruins of Cashel denoted the penal laws and their effects; and, as their Lordships had laboured during several Sessions to remove the remains of the penal laws, it might be hoped that they would equally

desire to remove the outward sign of those laws, and to give the Irish peasant a visible sign of their good intentions on his behalf. Englishmen had been used to deride and ridicule the strife and contention which broke out so constantly between the Greeks and the Latins for the sake of some picture or piece of tapestry even within the Church of the Nativity at Bethlehem. They could not enter into the feelings which caused the dispute about a key which led to the Crimean War. Would they suffer that Ireland should be no better in respect of charity and mutual toleration than Syrian Christians? Mr. Kinglake said of the Bethlehem dispute—

“Diplomacy answered that the key was really a key—a key for opening a door; and its evil quality was, not that it kept the Greeks out, but that it let the Latins come in.”

This Bill, in the same way, would not keep a single Protestant from access to a national monument, because it admitted the Latins to restore their ruined shrines. But this question was not only one of a shrine; it involved also national sentiment. The Rock of Cashel was the Acropolis of Ireland; to restore it would be a harmless outlet for the national sentiment, which was at present pent up and dangerous. From an Imperial point of view nothing better could be desired than that the money required for the rebuilding of Cashel, which could not be less than £100,000, and which would come from Canada and Australia, should be diverted from the pockets of Fenian head-centres, and that so large a sum as would be required should be spent in a poor part of Ireland by the Irish themselves without any thought of a petition to the National Exchequer. He was rather ashamed of this argument, but was obliged to use the bad as well as the good, like the lawyer referred to recently by the Secretary of State for Foreign Affairs. Their Lordships would understand what the feeling of the Irish was with regard to Cashel, when he stated that quite recently a Catholic church was built in Wisconsin, in the United States, and that some hundredweights of stone were sent out from the Rock of Cashel to form the foundations of the new church. The recent Acts which their Lordships had passed had removed—or were intended to remove—grievances; but they had done nothing

to reconstruct. There was the great disadvantage attending the cutting down of “upas trees,” that immediately parties started up to protest that these upas trees were ornamental trees, and should not be cut down. This measure, on the contrary, would be a planting of olive trees, for it took nothing from anyone, and its object was restoration and reconstruction. He regretted that the noble Lord (Viscount Middleton), who was to move the rejection of this Bill, did not leave that task to some other noble Lord. He was told that the noble Lord came forward as the lineal descendant of a Prelate who was the spiritual successor of the Prelate who reduced Cashel Cathedral to a ruin. The noble Lord professed to belong to the Conservative party. Was it as one of that party that he advocated the perpetuation of ruin and decay? There were some ancestral duties and obligations which conferred honour upon the person upon whom they devolved. Such was the case with the noble Lord (Lord Buckhurst) who came forward to defend Emanuel Hospital. By so doing he became a second founder of that institution, and even those who disagreed with him might envy him his feelings of satisfaction. But far different was the case with the noble Lord who was now coming forward to renew the acts of his predecessor. He had taken up what was a *damnosa hereditas*. He had already said that the Prelate who ruined Cashel Cathedral might be excused on the ground of the age in which he lived; but the noble Lord had no such excuse. He was acting in opposition to the enlightenment and the spirit of the present times and of our recent legislation. He would not suffer the people of Ireland to restore their shrines and protect the tombs of their kings from the hoofs of the cattle, or to be happy unless they crossed the wide Atlantic. He was going to address their Lordships in the attitude and language of vindictive Juno, and to say—

“Qualibet exules  
In parte regnanto beati,  
Dum Priami Paradisque busto  
Insultet armentum.”

The rest of the quotation would not apply, since, unlike Juno, he would not suffer Ireland's Capitoline Rock to be made refulgent, even though this should be done at the cost of Irishmen only. It

was a pious belief in some countries that testamentary executors or heirs might add merit or take away blame from a testator, according as they carried out or modified his testamentary instructions. But the noble Lord seemed to be indifferent to lightening the burden on the memory of the act, which, instead of repudiating, he sought to renew and perpetuate, and which he would, perhaps, attempt to justify, and must justify, in order to justify the Motion which he was about to make. Other noble Lords had told him that they would do their best to throw out the Bill, and he believed they would tell their Lordships that the Rock of Cashel was provided for, and was already in the possession of the people of Ireland. Whether that Bill passed, or whether the Rock was condemned to continue a ruin under the guardianship of the Board of Works, it would be equally in the possession of the people of Ireland—that was to say, equally free and open to all who might choose to visit it. But the question was whether those tombs of Celtic chiefs in the South of Ireland were to be restored and beautified under the guardianship of those who were historically and traditionally related to them, or whether those tombs were to be kept in a state of desecration and decay under the guardianship of men of Scotch and English descent, who could not possess the same traditional affection for those remains. He had received a letter from the Treasurer of the Royal Irish Academy recommending that the Bill should provide for access of persons interested in archæology or art, and though such a provision would not, he thought, be necessary, it would be very easy to add it in Committee should the Bill reach that stage. In Spain all the monuments and libraries which were under the care of ecclesiastics were well preserved, whilst those under the care of the State had been, in many cases, shamefully plundered. It had been suggested to him by a noble Lord opposite that it would have been advisable to substitute for the names of trustees which stood in the Bill those of official trustees such as the Chief Justices, or such persons as the Lord Lieutenant might please to name. Some other names might very well be added, but the Irish names in the Bill could not be withdrawn without causing great disappointment to persons who intended to sub-

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scribe for the restoration of the ruins, and names were required to procure other subscriptions. He believed that the name of Dr. Leahy, the Catholic Archbishop of Cashel, was most favourably known to their Lordships; but he might be allowed to remind them that he had, by moral influence alone, succeeded in closing the whisky shops within his diocese during Sundays. At the risk of appearing very exacting, he confessed he should not be entirely satisfied if the Bill were passed by their Lordships, unless it had the support, or at least the tacit acquiescence, of the noble and learned Lord opposite (Lord Cairns); for while, if this Bill should pass by English votes, it would be a boon to Ireland and a crowning of the edifice of the Irish Church Act, yet it would be much more than that if it passed with the consent of the noble and learned Lord who in himself alone represented Ulster. If the Bill should receive his consent it would be a peace offering from the North to the South and West of Ireland—a burying of old animosities; and he believed it was no exaggeration to say that for a long time it would put an end to the annual fights at Belfast. The noble and learned Lord had so often shown that personal and even party considerations did not in his mind outweigh broad and statesmanlike views, that he trusted the noble and learned Lord would pardon him for being so sanguine as to hope that he would deal with this question with his usual magnanimity. There was another portion of their Lordships' House whose votes, he thought, he was entitled to claim on behalf of the Bill, on the ground that such a vote would be in accordance with a former and a memorable vote in the course of the Irish Church debate. It would be in their Lordships' recollection that first the noble Duke (the Duke of Cleveland), and afterwards the noble Earl opposite (Earl Stanhope), moved that residences should be provided for the houseless Irish clergy out of the surplus of the property of the Disestablished Church. That Motion was carried by a majority; but circumstances prevented its being carried into effect. There was no reason to suppose that any of their Lordships who then voted for the noble Earl's Motion had had reason to regret that vote, and the speech of the noble Earl on the

cross-benches (Earl Grey) last week must have convinced those who heard or read it that both England and Ireland had reason to regret that that vote was not at the time carried into effect.

*Moved, "That the Bill be now read 2<sup>d</sup>."*  
—(*Lord Stanley of Alderley.*)

VISCOUNT MIDLETON, in moving that the Bill be read a second time this day six months, said, that the Rock of Cashel, the very name of which was probably unknown to most of their Lordships, was a stupendous mass of limestone rising with craggy and precipitous sides to the height of 300 feet from the fertile plain below. The Irish legend connected with it was that at some early period it had been transported by supernatural agency from a mountain many miles away from Cashel and dropped in the spot where it now stood. On the limited space which formed its summit there were collected within a few acres five of the most interesting monuments which any country could possess. They were—the ruins of the Archbishop's residence, the ruins of the Palace of the Kings of Munster, the ruins of the Cathedral, the ruins of King Cormac's Chapel, and the ruins of a Round Tower. Around it lay 750 houses, which comprised the modern town of Cashel. In times long gone by the Cathedral was a place not only of ecclesiastical worship, but was also a fortress. It was in that character that it was stormed in 1647, at the close of those troubles which had decimated Ireland, by an English army, at the head of which was Lord Inchiquin; and from that moment it had been handed over to the then Established Church of Ireland, and remained in its possession to its disestablishment. Forty years later the Dean and Chapter of Cashel attempted to restore a portion of the Cathedral; but it was a long and expensive work, and it was not till 1707 that there was any record of religious teaching being carried on within its walls. For 60 years longer the service of the Church of England was carried on regularly within it, until in 1769 the exposure of the site, the difficulty of access, and the smallness of the congregation made it desirable to provide at the foot of the Rock a more commodious place of worship. An Act of Parliament was obtained for the purpose, and the new

Cathedral was established at the end of the 18th century. Such was the state of matters when the Act for the Disestablishment of the Irish Church was passed in 1869. Their Lordships would recollect that the 25th section of that Act had reference to what was to be done with ruins of ecclesiastical buildings which at the time of the passing of the Act were used for public worship. The section provided that such buildings should be preserved as national monuments and not used as places of worship. The words to this effect were clear, distinct, and definite, and having had the honour to be a Member of the House of Commons at the time the Irish Church Bill was under discussion in that House he could assert that the Rock of Cashel was one of the principal monuments, if not the principal one, to the preservation of which that clause was directed. The Dean and Chapter of the Cathedral of Cashel had contemplated sending in a claim to the monuments on the Rock; but, through considerations which he approved, they resolved not to do so, and those monuments passed over to the Church Temporalities Commissioners, who transferred them to the Board of Works in Ireland, with a sum of £7,100 for their maintenance. This was in accordance with the 25th section of the Irish Church Act, and but for the severity of last winter certain works of maintenance directed by the Board would have been executed before now. He might remind their Lordships that at the time of the passing of the Act it was open to those who now wanted the Rock to put forward their claim if they thought they had a good one. But they had not taken that course. At the beginning of the present Session a Bill on the same subject was introduced in the House of Commons, but it mysteriously disappeared before the stage of second reading. Then its promoters pounced on his noble Friend (Lord Stanley of Alderley), who was totally unacquainted with the wants and wishes of the Irish people, and got him to propose a Bill seeking to do what the Disestablishment Act said should not be done—namely, to turn this place into a place of public worship. A measure of this kind, repealing an important section in the Irish Church Act, should be brought forward, if brought forward at all, by the Executive Government. Again, of the 36



trustees named in the Bill, no fewer than 30 belonged to one creed. Among the remaining six trustees were the noble Marquess on the cross-benches (the Marquess of Clanricarde), who he hoped liked the company in which he found himself, for of the others one was an English physician who represented an Irish county, while another was Sir John Gray, proprietor of *The Freeman's Journal*. He denied that either of those gentlemen could be regarded as fairly representing the Protestants of Ireland. If there were spiritual destitution in the neighbourhood some good reason might be put forward for the proposition; but he was sorry to say that the population of the parish of Cashel was a decreasing one, and that it only numbered 3,900 persons, of whom 300 were Protestants. The Roman Catholics had a large church there; but their cathedral was now and had long been at Thurles, which was so convenient a position for the whole of the Roman Catholic ecclesiastical body that synods and other ecclesiastical assemblies of the Roman Catholic Church had been held there. A more unfavourable spot than the summit of the Rock of Cashel could scarcely be selected for a place of worship. He hoped, therefore, their Lordships would agree to his Amendment.

Amendment moved to leave out ("now") and insert ("this day six months.")—(*Viscount Midleton*.)

THE EARL OF LIMERICK, in supporting the second reading of the Bill, contended that the buildings would be better in the hands of trustees than under the care of the Board of Works; and that to hand them over for the religious use of the majority of the people could not be objectionable. It would be far better that religious services should again be held in the building than that the building should be left in the hands of the Board of Works to be made a show of.

VISCOUNT MONCK concurred with the noble Viscount who had moved the Amendment (*Viscount Midleton*) in holding that the 25th section of the Irish Church Act had direct reference to those most interesting ruins on the Rock of Cashel. He was opposed to this Bill, because it was an interference with the settlement of a great question, which

was supposed to be a final one. He objected to it for other reasons, one of which was that those ruins were interesting in an archaeological point of view, and that they could not be restored as a place of worship without destroying the features which made them interesting. The Church Temporalities Commissioners had made ample provision for the maintenance of the ruins, and their preservation might well be left in the hands of the Board of Works. But his opposition was based more strongly on a question of feeling. He thought the Roman Catholics of Ireland behaved in a manner that was highly creditable to them on the passing of the Irish Church Act. That Act must have been most agreeable to them, yet they indulged in no manifestations of triumph when it became law; but he thought that, so far from planting the olive, this Bill would exasperate religious animosities in Ireland, and even create bad feeling where it did not now exist. For those reasons he must oppose the Bill.

LORD DUNSANY opposed the Bill, because he believed that it would, if passed into law, create a great deal of bitter feeling, and might probably give rise to other demands on the part of the Roman Catholics.

THE MARQUESS OF CLANRICARDE said, he thought the Bill would do what would be agreeable to a large number of people without doing a wrong to anybody.

EARL GRANVILLE said, he was anxious to state the reason of the vote he was about to give. In framing the Irish Church Bill this very question received the anxious attention of the Cabinet, and, knowing the state of public feeling on the subject, it was determined to leave the matter in its present condition. He believed that as yet it was far too early to disturb the settlement which was then arrived at.

THE EARL OF KINTORE said, he would vote against the Bill if it came to a division, because he believed it would excite much animosity and dispute in Ireland.

THE EARL OF GRANARD, as one of the trustees mentioned in the Bill, regretted the vehement opposition offered to a measure calculated, as he believed, to effect much good, and which was framed in no offensive spirit to anybody.

On Question, that ("now") stand part of the Motion? Their Lordships *divided*:—Contents, 23; Not-Contents, 112: Majority, 89.

*Resolved*, in the negative; and Bill to be read a second time *this day six months*.

## CONTENTS.

Bedford, D.	Granard, L. ( <i>E. Granard</i> .)
Devonshire, D.	Greville, L.
Norfolk, D.	Hanmer, L.
Bute, M.	Houghton, L.
Devon, E.	Howard of Glossop, L.
Gainsborough, E.	Leigh, L.
Lovelace, E.	Lismore, L. ( <i>V. Lismore</i> .) [ <i>Teller</i> .]
Portsmouth, E.	Petre, L.
Carew, L.	Somerhill, L. ( <i>M. Clanricarde</i> .)
Eliot, L.	Stanley of Alderley, L.
Ettrick, L. ( <i>L. Napier</i> .)	[ <i>Teller</i> .] [22]
Foxford, L. ( <i>E. Lime-riek</i> .)	

## NOT-CONTENTS.

Selborne, L. ( <i>L. Chancellor</i> .)	Stanhope, E.
York, Archp.	Strathmore and Kinghorn, E.
	Waldegrave, E.
	Wicklow, E.
Cleveland, D.	Clancarty, V. ( <i>E. Clancarty</i> .)
Manchester, D.	Doneraile, V.
Marlborough, D.	Eversley, V.
Richmond, D.	Gough, V.
Saint Albans, D.	Halifax, V.
Abercorn, M. ( <i>D. Abercorn</i> .)	Hawarden, V. [ <i>Teller</i> .]
Bristol, M.	Sidmouth, V.
Hertford, M.	Sydney, V.
Amherst, E.	Carlisle, Bp.
Bathurst, E.	Ely, Bp.
Belmore, E.	Gloucester and Bristol, Bp.
Brownlow, E.	Hereford, Bp.
Cadogan, E.	Lincoln, Bp.
Camperdown, E.	London, Bp.
Carnarvon, E.	Peterborough, Bp.
Cathcart, E.	Rochester, Bp.
Chichester, E.	Winchester, Bp.
Cowper, E.	
Dartrey, E.	Abercromby, L.
Derby, E.	Aveland, L.
Doncaster, E. ( <i>D. Buncleuch and Queensberry</i> .)	Belper, L.
Feverham, E.	Blachford, L.
Fitzwilliam, E.	Bolton, L.
Granville, E.	Brodrick, L. ( <i>V. Middleton</i> .)
Grey, E.	Cairns, L.
Harewood, E.	Carysfort, L. ( <i>E. Carysfort</i> .)
Howe, E.	Chelmsford, L.
Kimberley, E.	Clanbrassill, L. ( <i>E. Roden</i> .)
Lancashire, E.	Clifton, L. ( <i>E. Darnley</i> .)
Lauderdale, E.	Clinton, L.
Leven and Melville, E.	Colchester, L.
Morley, E.	Colonsay, L.
Morton, E.	Colville of Cullross, L.
Nelson, E.	Crowe, L.
Rosse, E.	
Shaftesbury, E.	

De Ros, L.	Oranmore and Browne, L.
De Saumarez, L.	Oxenfoord, L. ( <i>E. Stair</i> .)
Digby, L.	Penrhyn, L.
Dinevor, L.	Ponsonby, L. ( <i>E. Bessborough</i> .)
Dunsany, L. [ <i>Teller</i> .]	Raglan, L.
Egerton, L.	Ravensthorpe, L.
Foley, L.	Rodesdale, L.
Grinstead, L. ( <i>E. Ennis-killen</i> .)	Rosebery, L. ( <i>E. Rosebery</i> .)
Headley, L.	Salterford, L. ( <i>E. Courtown</i> .)
Heytesbury, L.	Silchester, L. ( <i>E. Longford</i> .)
Hylton, L.	Skelmersdale, L.
Inchiquin, L.	Sondes, L.
Kintore, L. ( <i>E. Kintore</i> .)	Templemore, L.
Leconfield, L.	Ventry, L.
Lyveden, L.	Vernon, L.
Meldrum, L. ( <i>M. Huntly</i> .)	Wharnccliffe, L.
Minster, L. ( <i>M. Conyngham</i> .)	Wrottesley, L.
Monck, L. ( <i>V. Monck</i> .)	
Monson, L.	
Mostyn, L.	

## VAGRANTS LAW AMENDMENT BILL.

(No. 98.) (*The Earl of Feversham*.)

## COMMITTEE.

House in Committee (according to Order.)

THE DUKE OF RICHMOND objected to the phraseology of the Bill. Clause 3 said that persons playing at certain games of chance should be "liable to be convicted as" rogues and vagabonds. He moved as an Amendment to leave out these words, and insert shall be "deemed a rogue and vagabond within the true intent and meaning of the recited Act."

THE LORD CHANCELLOR expressed his regret that the noble Lord in charge of the Bill had not proposed Amendments to remove certain objections which he had stated on the second reading. He objected to calling children rogues and vagabonds when they were not, and he objected to dealing with children by a Bill of this sort when they had better receive moderate corporal chastisement. Not expecting the Bill to come on so soon, he had not directed his attention to the Amendments which would be necessary to give effect to the objections he entertained; but he hoped such Amendments would be made at a later stage of the Bill.

Amendment agreed to.

Clause, as amended, agreed to.

Amendments made; the Report thereof to be received on *Monday*, the 16th of *June* next; and Bill to be printed as amended. (No. 130.)

NAVY—H.M.S. "DEVASTATION."

QUESTION. OBSERVATIONS.

THE EARL OF LAUDERDALE, who had given Notice of his intention to ask "what ship was to accompany the *Devastation* on her trial in a sea-way," observed that the subject to which his Question related was one of deep interest to all naval men and also to naval architects. He was not going to refer again to the Rock of Cashel, but to another Rock, called Bishop's Rock, off Scilly. It was not dedicated to religious purposes, but served a very useful purpose as a lighthouse. The lighthouse was 147 feet high, and there was a bell on it 120 feet from the water's edge. Some years ago that bell was broken by the sea. He mentioned this to show what had been the force of the sea with a south-west wind. It broke this bell, portions of which were shown and regarded with great interest at the Exhibition. All the trials of the *Devastation* in smooth water had been satisfactory; but the question was, what would she do in a sea way? He saw by the papers she had been sent to Cape Clear to look for a breeze, but not for a gale. She was of a totally new construction, and never before had such a ship been sent to sea; he was rather surprised, therefore, that she should have been sent out without any vessel to accompany her. If she got into a gale there might be some danger, and it appeared to him and to most naval men that she ought not to have been sent out unaccompanied. The *Valorous* had been with her in her former trial. The principal object in sending another vessel with her was to see how she would behave, and that could not be properly ascertained unless a vessel of nearly the same displacement, weight, length, and power were tried with her. If the companion vessel got into a sea and pitched heavily, while the *Devastation* did not pitch at all, that would show that the *Devastation* was a great improvement in that respect. But if, on the other hand, the companion vessel went through the sea while it was not thought prudent that the *Devastation* should go further, that would decide the question the other way. It was not fair to the captain of the *Devastation* and the naval men of the country to let this trial go on without another vessel being with her of equal size and weight.

THE EARL OF CAMPERDOWN said, that he stated on a former occasion that the *Devastation* when she should go on her trial would be accompanied by a consort. As the noble Earl had mentioned, the *Valorous* was with her up to Devonport; but as the *Valorous* had to go elsewhere, the largest tug at the port, the *Carron*, a vessel of 400 tons, was sent with the *Devastation*, which had crossed to Queenstown. The *Valorous*, however, had now returned and was ordered to join the *Devastation*. In her trials during the summer months one vessel from the Channel Squadron would be detached to join her.

THE POLYNESIANS.—QUESTION.

THE EARL OF BELMORE asked the Secretary of State for the Colonies, When the Papers relating to outrages on Polynesians, laid before the House and ordered to be printed on the 1st April, will be delivered out to Members of this House?

THE EARL OF KIMBERLEY said, that the Papers were very voluminous, and he was sorry it had taken so long a time to produce them. They were now in print, and would be in the hands of their Lordships in a few days.

House adjourned at half-past Seven o'clock,  
till To-morrow, Eleven o'clock.

## HOUSE OF COMMONS,

Monday, 26th May, 1873.

MINUTES.]—SUPPLY—considered in Committee  
—NAVY ESTIMATES—Committee—R.P.

Resolution [May 23] reported.

PUBLIC BILLS—Resolution reported—Ordered—  
First Reading—Blackwater Bridge [Composition of Debt]\* [177]; Blackwater Bridge\* [176].

Second Reading—Juries (Ireland)\* [166]; Local Government Provisional Orders (No. 3)\* [169]; Indian Railways Registration\* [168]; Grand Jury Presentments (Ireland)\* [170].  
Committee—Report—Thames Embankment (Land) (re-comm.)\* [65]; Metropolitan Tramways Provisional Orders (re-comm.)\* [172]; Shrewsbury and Harrow School Property (re-comm.)\* [164]; Registration (Ireland)\* [165].

Third Reading—Register for Parliamentary and Municipal Electors\* [168], and passed.

**CRIMINAL LAW—CHIPPING NORTON  
MAGISTRATES.—QUESTION.**

**MR. MUNDELLA** asked the Secretary of State for the Home Department, Whether it is true that sixteen women, wives of agricultural labourers, have been sentenced to imprisonment, with hard labour, by the Rev. Thomas Harris and the Rev. W. E. D. Carter, sitting as magistrates at Chipping Norton under the provisions of the Criminal Law Amendment Act, and, if so, whether there is anything in the circumstances of the case which in his opinion would justify his interference in favour of the prisoners?

**MR. BRUCE:** Sir, I have received no communication or memorial on the subject; but I directed a letter to be written to the magistrates to-day, and I shall, of course, in due time receive an answer.

**POST OFFICE AND TELEGRAPH  
DEPARTMENTS—FINANCIAL  
IRREGULARITIES.—QUESTIONS.**

**MR. SCLATER-BOOTH** asked Mr. Chancellor of the Exchequer, Whether the inquiry into the financial transactions of the Post Office and Telegraph Departments undertaken by the Treasury on the recommendation of the Public Accounts Committee has been completed, and how soon he will be prepared to communicate the result of the inquiry to the Committee or to the House?

**THE CHANCELLOR OF THE EXCHEQUER:** I am told, Sir, the Report is almost complete. As I have not seen it yet, I cannot say when we can lay it before the House; but no time shall be lost.

**MR. SYNAN** asked the Secretary to the Treasury, Whether the scheme for the commutation of the pensions of the officers of the late Telegraph Companies has been approved of by the Treasury; and, if so, when is payment of the commutation to be made?

**MR. BAXTER:** The scheme referred to by my hon. Friend cannot be acted upon, until Parliament has provided a further sum for the purposes of the Telegraph Acts.

**BANK OF ENGLAND RETURNS.  
QUESTION.**

**MR. J. B. SMITH** asked Mr. Chancellor of the Exchequer, Whether the Returns ordered of the weekly condition

of the Bank of England from 1857 to the present time, will be printed and delivered to Members previously to the Right honourable Gentleman bringing forward his promised Bill on the subject of the Bank Act?

**THE CHANCELLOR OF THE EXCHEQUER,** in reply, said, the Return had been made and presented; but he had no control over the printing and delivery of it.

**IRELAND — STIPENDIARY MAGIS-  
TRATES.—QUESTION.**

**LORD CLAUD JOHN HAMILTON** asked the Chief Secretary for Ireland, If it is a fact that the stipendiary magistrates of Ireland have received no increase of pay or emolument for the last forty years; and, if the Treasury intend carrying out the recommendation of the Commissioners lately appointed to inquire into the matter?

**THE MARQUESS OF HARTINGTON,** in reply, said, he believed it was a fact that the pay and allowances of the stipendiary magistrates of Ireland had not been substantially improved for 40 years. Some alterations had been made, but he did not think the pay had been materially raised. He could not say what the intentions of the Treasury upon the subject were; but they had not yet had an opportunity of carrying out the recommendations of the Commissioners lately appointed to inquire into the matter. The subject was a complicated one, and up to the present time it had been under the consideration of the Irish Government. He believed they were in a position almost immediately to make a proposal to the Treasury on the subject; but the pay of the stipendiary magistrates could not be increased without an Act of Parliament.

**WEST COAST SETTLEMENTS — THE  
ASHANTEE INVASION.—QUESTION.**

**SIR JOHN HAY** asked the First Lord of the Admiralty, Whether any Hospital Ships or Transports have been despatched to Cape Coast Castle for the treatment and removal of those seamen and marines who may suffer from wounds or climate during the operations against Ashantee?

**MR. GOSCHEN,** in reply, said, that no special hospital ship had been sent to Cape Coast Castle, but the attention of the senior naval officer there had been

specially called to the subject of the possibility of sickness among the seamen and marines, and he had been directed to have a ship ready to convey them, if necessary, to Ascension. He had two paddle steamers at his disposal for the purpose, and he would also be able to avail himself of the services of the mail steamers. Strict orders had been issued with regard to the landing of seamen and marines, which would not take place except in cases of emergency.

#### AGRICULTURAL MACHINE ACCIDENTS. QUESTION.

MR. WELBY asked the Secretary of State for the Home Department, Whether he has caused inquiry to be made as to the preventibility of accidents occasioned by thrashing and other agricultural machines; and, whether he is prepared to introduce any measure upon the subject?

MR. BRUCE in reply, said, that, on inquiry, he was sorry to find that accidents occasioned by thrashing and other agricultural machines were very numerous and often fatal, and that they could be prevented in a manner which would not interfere with their use by farmers. Therefore, some time ago, he directed a Bill to be prepared on the subject; he was informed it would be ready tomorrow, and he hoped it would be introduced soon after Whitsuntide.

#### POST OFFICE—"POST OFFICE TEA." QUESTION.

MR. HEYGATE asked the Postmaster General, If his attention has been called to an advertisement of "The Post Office Tea," which purports to be "supplied by Postmasters only in Great Britain and Ireland," and which is sold by Postmasters at the Post Office in various country towns; and, whether he has received any complaints from grocers and others injuriously affected by such competition?

MR. MONSELL: My attention, Sir, has been called to an advertisement of the "Post Office Tea," which purports to be supplied only to postmasters in Great Britain and Ireland. Complaints on the subject have been received from grocers; but these, with one exception, have been directed against the use of a medallion on the circulars in imitation of a postage stamp. Such a trade mark was calculated to give rise to the im-

*Mr. Goschen*

pression that the circulars were being issued by authority, or, as one of the memorialists expressed himself, that "Her Majesty's Postmaster General had gone into the tea trade." It has since been discontinued at the instigation of the Department. As to the title adopted for the tea, the Department, though thinking it objectionable, has not the power to interfere. Neither was there any regulation prohibiting postmasters from selling tea on commission.

#### THE MAURITIUS—APPOINTMENT OF BISHOP.—QUESTION.

MAJOR ARBUTHNOT asked the Under Secretary of State for the Colonies, If any application has been received from the Acting Governor of Mauritius for permission to present to the Legislative Council of that Colony,

"a Copy of the Correspondence and Documents relating to the appointment of a Bishop for the Church of England in that Colony, from the time when a Bishop was first prayed for by the Church there, down to the present time;"

if so, what answer has been or will be returned; and, whether he objects to laying a Copy of the same Documents upon the Table of this House, including the Despatches of the Governor of Mauritius, dated January and February 1872, and the Despatch of the Secretary of State for the Colonies dated 9th May 1872, and any representations made by the Church bodies in the Colony with reference to those Despatches?

MR. KNATCHBULL-HUGESSEN, in reply, said, application had been received from the Acting Governor for permission to present to the Legislative Council Correspondence relating to the appointment of a Bishop. The required permission had been granted, and the Correspondence would be laid before Parliament.

#### INCLOSURE OF COMMONS—LEGISLA- TION.—QUESTION.

MR. SPENCER STANHOPE asked the Secretary of State for the Home Department, whether the Government intend, during the present Session, to bring in any general measure relating to the Inclosure of Commons, or any Bill authorizing the proceeding with Inclosures in rural districts, for which Provisional Orders have been issued by the Inclosure Commissioners?

MR. BRUCE: Sir, in 1871 a Bill on the subject was brought in by the Government and referred to a Select Committee, which reported it with considerable amendments. Pressure of time prevented it being further proceeded with during that Session. It was introduced substantially in the same form in the House of Lords in 1872, was passed through Committee without any material Amendments, and thrown out on the third reading. The principal objection to the Bill was the compulsory appropriation in all cases for allotments and recreation grounds of a specified proportion of the lands to be inclosed. In the course of the discussion in both Houses, there had been much difference of opinion as to the amount and distribution of the uninclosed lands in England and Wales. With a view to obtain as accurate information as is practicable on this point for the guidance of Parliament, an inquiry is now being made by the Inclosure Commissioners—1. Into the area of the common lands; 2. Into the area of the commonable or common field lands; 3. The character of the common lands as regards fitness for agriculture. It is to be hoped that the result of these inquiries may facilitate future legislation. But the Government are of opinion that without it no measure could at present be introduced with a reasonable prospect of passing into law.

#### THE "ALABAMA"—COMPENSATION FOR BRITISH PROPERTY.—QUESTIONS.

SIR JAMES ELPHINSTONE asked the First Lord of the Treasury, if it is the intention of Her Majesty's Government to submit the claims of Her Majesty's subjects for losses sustained by the capture of vessels containing British property by the "Alabama" to arbitration?

MR. GLADSTONE: Sir, Her Majesty's Government have no such intention, and I may say I think the Question of the hon. Baronet, judging from its form, has been put under an entire misapprehension. It appears to be implied that the Government submitted the claims of certain persons, not subjects of Her Majesty, to arbitration. That is altogether a mistake. No claims of individuals have been submitted to arbitration in relation to the "Alabama."

What was submitted to arbitration was a question of injury between the two Governments, and had reference entirely to international law.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, whether he has any objection to lay upon the Table the case as submitted to the Law Officers of the Crown, on which they gave the opinion that, notwithstanding the British Government having been found liable for the damage done by the "Alabama" to the subjects of other countries, she was not liable to her own subjects for similar damage similarly inflicted?

VISCOUNT ENFIELD: It is not usual, Sir, to present to Parliament the communications which pass between the Foreign Office and the Law Officers of the Crown on cases submitted to them, such communications being considered to be of a confidential character, and I could not undertake to make an exception to the custom in the instance just alluded to by the hon. Member.

#### PARLIAMENT—PUBLIC BUSINESS—SCOTCH BILLS.—QUESTIONS.

SIR EDWARD COLEBROOKE said, he saw several Scotch Bills on the Paper for consideration that night, the first of which was the Law Agents Bill. He desired to know, whether it was intended to proceed with the Bill, and if so, after what hour it would not be taken?

THE LORD ADVOCATE said, he should certainly bring the Bill on, provided he had an opportunity of doing so; but as Notice had been given of opposition to the Bill, he could not, according to the forms of the House, proceed with it after half-past 12 o'clock.

SIR EDWARD COLEBROOKE: When will the Conveyancing Bill be taken?

THE LORD ADVOCATE: That will stand on the Paper for to-morrow.

MR. CAMERON: Will the Entail Bill be also taken to-morrow?

THE LORD ADVOCATE: No; not until after the Whitsuntide holidays.

MR. CAMERON: Can you mention the day it will be taken after Whitsuntide?

THE LORD ADVOCATE: No; I have not yet been able to fix that.

DR. LYON PLAYFAIR: I beg to ask the Vice President of the Council,

Whether the Scotch Education Code has been considered and passed by the Scotch Department, and if so, when it will be in the hands of Members?

MR. W. E. FORSTER: The Code has been passed by the Department, and laid upon the Table a few days ago. I have ordered certain copies to be printed for the use of hon. Members, and I hope these will be ready for them some time in the course of to-morrow.

#### PARLIAMENT—MORNING SITTINGS.

MR. GLADSTONE moved, "That, whenever the House shall meet at Two o'clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April, 1869."

MR. NEWDEGATE said, he would take advantage of the occasion to complain of the inconvenience which sometimes resulted from the House meeting at an unwonted hour without due Notice. He thought that Notice of any change of the kind ought to be given on the previous Friday.

MR. GLADSTONE said, that when morning sittings came to be held regularly, he did not think a separate Notice was necessary for each occasion. The practice of the House heretofore had not, he believed, been found to work inconveniently.

MR. BOUVERIE pointed out that, under the existing system, a Minister might at a late hour of the night fix a Bill which happened to be low down in the Orders for Two o'clock on the following day, and that much inconvenience might in that way be caused to hon. Members who took an interest in the measure. He should suggest that Notice should be given on the previous day at Five o'clock of the Business with which it was proposed to proceed at Two o'clock on the next.

MR. GLADSTONE concurred with his right hon. Friend the Member for Kilmarnock (Mr. Bouverie), in thinking it would be convenient that should be done when possible, but it could not be done uniformly.

MR. J. LOWTHER said, he had also to complain of the inconvenience which resulted from having Bills fixed late at night for Two o'clock the following day.

*Motion agreed to.*

#### SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £1,072,380, Naval Stores, &c.

SIR JAMES ELPHINSTONE said, he wished to recall the attention of the Committee to the observation of the right hon. Gentleman the First Lord of the Admiralty the other night, when the subject of stores was under discussion, that statements were repeatedly made by Members of the Opposition, and as repeatedly denied, with reference to the scarcity of the stock of stores in the dockyards. The right hon. Gentleman was perfectly correct; those statements had been frequently made, and repeatedly denied. They would be made again, and in all probability denied again. In order to show that he was not entirely wrong in the statement he had made on this question, he would point out that, according to an account which had been placed in the hands of hon. Members that Session, it appeared a large amount had been transferred from the Shipbuilding to the Store Vote. The Admiralty had sold a very large quantity of stores, and had expended the proceeds in the purchase of other stores; but the money so obtained not sufficing for the purpose, a letter signed by the hon. Gentleman the Secretary to the Admiralty had been sent to the Treasury, making an application for the sum of £121,000, for the purchase of further stores. It was thus clear that a most incautious and imprudent reduction of stores had been made, and that the Admiralty had since been increasing, *sub rosa*, the amount of the stores, which were even now in a very bare state, in consequence of the sales to which he had referred having been made. The right hon. Gentleman had stated that the storehouses were overflowing with stores. He could not see where those stores were; and he had been informed on reliable authority, that there were not in all Her Majesty's Dockyards stores sufficient to fit out four or five sail of the line. It was only when the Appropriation Amounts were brought forward that hon. Members who found fault with the Admiralty administration had the means of verifying their statements, which right hon. Gentlemen opposite usually met with a flat denial. On the

subject of anchors and cables, he had been informed that several of Her Majesty's ships had been endangered by their cables and anchors being inadequate to the work they had to perform, and he could not help expressing his opinion that Mr. Trotman's anchors, which were used on board the *Great Eastern* and the Royal yacht, were the best in existence, and he saw no reason why they should not be supplied to the Fleet.

MR. SCLATER-BOOTH said, he rose for the purpose of pointing out that the observations of the hon. Baronet the Member for Portsmouth (Sir James Elphinstone), to the effect that the sale of Admiralty stores had been excessive ought to receive some notice from Her Majesty's Government.

MR. SHAW LEFEVRE said, that he had only delayed rising in order to see whether any hon. Member would wish to address the House on the subject, and that the only answer he could offer to the allegation of the hon. Baronet the Member for Portsmouth (Sir James Elphinstone), that the storehouses of the Admiralty had been emptied of their contents was, that it was not supported by the real facts of the case. The evidence which had lately been given on the subject before the Committee sitting upstairs should have convinced the hon. Baronet that there was no real ground for his complaints on this question. The sum which had been expended in 1871 in the purchase of stores was only slightly in excess of the sum that had been voted by Parliament for that purpose, and the reason why the expenditure was in excess of the Vote was, that it was thought desirable to keep a six months' supply of a particular class of stores in the dockyards. He believed the decision on the subject had been arrived at by the Secretary to the Treasury before he (Mr. Shaw Lefevre) came into office, and by the consent of the Treasury the money was transferred from another Vote. That operation had been largely resorted to by all preceding Governments.

SIR JOHN HAY said, the evidence of the Committee which the hon. Gentleman opposite had just alluded to was satisfactory as regarded the quality of stores; but as to the other matters in question, nothing very definite could be determined until the evidence was com-

pleted. Vote 10 was by far the largest sum which had been voted by Parliament under that head for many years, or, perhaps, ever. Probably the whole amount was wanted. The last Vote of the late Government, £892,000, was reduced to £779,000, and considerable sales of stores were made when the present Government came into power. As his hon. Friend the Member for Portsmouth (Sir James Elphinstone) had frequently observed, a lamentable deficiency in stores was the result of that reduction. He thought it was wrong on the part of the Admiralty to appropriate to the purchase of stores, part of the money that had been voted for the building of ships, as thereby the Admiralty led the country to believe that certain things would happen, which were never realized. For instance, the Admiralty, before the Vote for the building of ships was granted, held out the hope that 20,000 tons of shipping would be built—namely, 12,000 tons of armour-clad and 8,000 tons of wooden shipping. No such amount had been built, and money voted for ship-building had been applied to the purchase of a mere supply of six months' stores in excess of the Vote for Stores.

MR. HERMON complained that no notice had been taken by the hon. Gentleman the Secretary to the Admiralty of the remarks made by the hon. Member for Portsmouth (Sir James Elphinstone) on the subject of Trotman's anchor. He was alarmed at that statement and hoped the right hon. Gentleman the First Lord of the Admiralty would be prepared to give some satisfactory assurance to the Committee upon the subject.

MR. GOSCHEN said, he took exception to the statement of the hon. Baronet the Member for Stamford (Sir John Hay), that the Vote for Stores that year was larger than it had ever been. [Sir JOHN HAY qualified his assertion by saying "since 1867-8."] The expenditure for stores in the year in which the Abyssinian Expedition was made, the last year of office of the late Government was £1,085,000, or more than £200,000 in excess of their proposal to Parliament, and larger than the Vote of the present year, when the cost of all kinds of stores had largely increased. He protested against any comparison between the expenditures of different years, unless that element of in-



creased cost was taken into consideration. The Committee had already been informed that the increase of the Vote in the present year was owing entirely to the increase in the cost of coal and metal—a matter over which the Admiralty had no control. In fact, the increase of prices caused an addition of £150,000. With regard to anchors and cables, he could only repeat that it was entirely a professional matter. Officers of the Navy were not in favour of Trotman's anchor, and it was his duty to be guided by their opinion on the subject. Though Trotman's anchor might be admirably suited to merchant ships, it did not necessarily follow that it was suited to the ships of the Navy. He was informed by his professional advisers that though Trotman's anchor held well, it did not bite well. He was willing, however, to undertake that there should be a further investigation of the matter if necessary. The Admiralty was fully alive to the subject of anchors and cables. The question of cables was undergoing an examination by the present Controller and other Naval Lords in conjunction with manufactures of cables.

MR. G. BENTINCK said, he was glad to hear that the subject of Trotman's anchor was under consideration, in consequence of the numerous casualties which had occurred; but why had it not been considered before? He had heard with great surprise that the naval authorities to whom the right hon. Gentleman the First Lord of the Admiralty referred were not satisfied with the biting powers of Trotman's anchors. If such were the fact, it only showed that the highest authorities might differ, because a Commission, consisting of four or five distinguished Admirals and other persons, appointed to investigate practically the relative merits of the different descriptions of anchors, after applying ample tests, reported unanimously in condemnation of the Admiralty anchor as the worst, save one, of all the competing anchors, and as wanting in every essential quality which should distinguish an anchor. They also reported that Trotman's anchor was the best of all, and fully equal to others of much greater weight—a point of much importance in maritime work. Before the Committee of 1861, Admiral Denman said that since 1854, in his experience on board the Royal yacht, he had always found Trotman's

anchor hold perfectly, and that it never failed under the most trying circumstances. He added—

"It is vastly superior to the Admiralty anchor in every respect; and I cannot understand why the Admiralty have not more readily supplied these light and more efficient anchors."

Other evidence was to the same effect. He should like to know who were the officers who now objected to Trotman's anchor, in direct contradiction to the results of a test supplied by the Admiralty themselves? It was due not only to Mr. Trotman, but to the Service, that the case should be fully gone into. Mr. Trotman had now no personal interest in the matter, for his patent had expired. He was influenced solely by a desire to benefit the Service, and the safety of Her Majesty's ships required that the matter should not be allowed to remain in abeyance. Hereafter he would move for a Return of the recent Report made respecting these anchors, and presumed that the right hon. Gentleman would not refuse to produce it.

LORD HENRY LENNOX said, the hon. Gentleman the Secretary of the Admiralty had stated that the dockyards were not now denuded of stores; but the complaint made by his hon. Friend the Member for Portsmouth (Sir James Elphinstone) was, that when the dockyards were so denuded the House was constantly assured that they were full of stores. When the right hon. Gentleman the Member for Pontefract (Mr. Childers) came into office, he abandoned wooden shipbuilding, and sold timber in large quantities. In 1871 a change of policy became necessary; and his hon. Friend's case was that, if the dockyards had not before been denuded of stores, the House would not have been called upon to increase the stock of timber at the enhanced prices of to-day. He could not help thinking that during the last four years there had been, in dealing with this subject, a want of that candour on which the right hon. Gentleman had laid so much stress. It would have been more candid on the part of the hon. Gentleman the Secretary to the Admiralty if he had stated that although the dockyards were not now they had been denuded of timber.

MR. SHAW LEFEVRE said, he thought it satisfactory that the charge made against the present Board of Admiralty had been abandoned, and that

*Mr. Goschen*

another charge which was equally without foundation had been substituted—namely, that the late Board of Admiralty three years ago had denuded the dock-yards of stores; now, what was the fact? In the year 1867 the stock of timber amounted to £1,500,000, and as the average consumption was only one-tenth of that amount, it followed that the Admiralty had 10 years' stock of timber in hand. That amount was perfectly unjustifiable and caused the greatest possible waste; indeed, the loss arising from the deterioration of timber amounted to several thousands a-year. The noble Lord the Member for Chichester (Lord Henry Lennox) had spoken of the palmy days of Lord Palmerston, and pointed to the accumulations which in those days were made. But what was the result? Why, that they had now on hand no less than 13,000 loads of Italian oak which was unsaleable and unfit for shipbuilding. That was a species of economy which he for one could not advise or approve. The wise policy was to lay in such an amount as was or might reasonably be expected to be required. They had now timber to the amount of £500,000, and the annual consumption averaged £150,000 during the last few years. Of course, the necessary consequence of such an operation was, that they should from time to time make purchases as they had done last year. From the accounts they had received from the dock-yards, he believed they had no reason to apprehend any deficiency of stock. The statement of the noble Lord had, in fact, no greater foundation than many of the statements made by him at a recent meeting at Reading, at which his (Mr. Shaw Lefevre's) rival for the representation of the borough, Mr. Attenborough, attended. He had waited to see whether the noble Lord would repeat those statements in the House; but as he had not done so, it would not be necessary to do more than to give them a general denial. For his part, he thought that during the sitting of Parliament it was the duty of a Member who had complaint to make of the administration of the Government, to make it in the House, and not to go down to particular constituencies, and retail at second-hand those misstatements. He understood the noble Lord the other evening to admit that he had somewhat drawn the long-bow, and,

therefore, he would only remind the noble Lord that the House resented any attempt to make political capital out of the Navy. It was far too important a branch of the Service of the country to be allowed to become the shuttlecock of party. Why did the noble Lord make attacks on the Admiralty out of the House, which he did not repeat within its walls? Why was the noble Lord continuous in his attacks upon his (Mr. Shaw Lefevre's) right hon. Friend the Member for Pontefract (Mr. Childers) during his illness and consequent absence—attacks which he never ventured to repeat in his presence? Because the noble Lord knew very well that there was no ground for the charges; because he lived in a glass case himself; and, next, because he knew the House would not allow political capital to be made out of the Navy. He hoped the noble Lord would excuse him (Mr. Shaw Lefevre) if he advised him to give up his connection with that troop of itinerants that were now paying visits to the suburban towns, or in future to confine himself in the provinces to the wise course he pursued in that House, where his conduct had been usually cautious and courteous.

LORD HENRY LENNOX: I can only say, Sir, that anything more irregular has never proceeded from any hon. Member of this House, than have been the remarks which have just fallen from the hon. Gentleman the Secretary to the Admiralty. Irregular remarks proceeding from any hon. Member of this House are to be deprecated; but when they come from the Treasury bench; from a Gentleman who is supposed to be selected for the position he occupies, because of his superior accomplishments and extra knowledge of the forms of the House, they are doubly to be deprecated. A right hon. Friend of mine, and other hon. Members near me, wished more than once to interfere and put a stop to the unseemly exhibition of alarm which the hon. Gentleman has just displayed as to the safety of his seat for Reading; but I will not enter further into the matter than to say, that I was amused to hear from the hon. Gentleman that I had refrained from making attacks in this House upon the naval conduct of the right hon. Gentleman opposite the Member for Pontefract (Mr. Childers). I thought that, on the contrary, I had

taken up too much of the time of the House in doing so, and I frequently curtailed my remarks for fear of interfering with the progress of Public Business. I believe that no other hon. or right hon. Gentleman opposite will charge me with having abstained from challenging the naval administration of the present Government. The hon. Gentleman the Secretary to the Admiralty says that I live in a glass house. Well, I can only say that if I do, and that there is no stronger arm in the House than that of the hon. Gentleman to throw a stone at it, I shall remain very comfortably in my glass case to the end of my Parliamentary career.

MR. WYKEHAM MARTIN suggested that if the 30,000 tons of timber, to which the Secretary to the Admiralty had alluded as unsaleable, were unfit for shipbuilding, they should be sold for firewood.

MR. GOSCHEN denied that there was any indisposition on the part of the Admiralty to introduce new anchors. They had recently introduced two, and were making trial of Trotman's. He thought the hon. Baronet opposite the Member for Portsmouth (Sir James Elphinstone) would admit that naval men were not generally in favour of Trotman's anchor.

SIR JOHN HAY observed that with respect to holding power, Trotman's anchor was considered the best; but there was an objection to it in the Navy, in consequence of the difficulty of stowing it.

MR. HERMON was surprised to hear that there was a large quantity of timber in the shipbuilding yards utterly useless. He could not conceive that any timber, even with the most careless management, could be so deteriorated as to make it necessary that it should be destroyed, like so much tobacco.

MR. SAMUDA objected to the sale of excessive stores at a sacrifice, if there was a chance of using them; and asked for an explanation of the statement by the Secretary to the Admiralty that there was a large quantity of useless timber in the yards? He thought that, with regard to all these matters of detail in relation to cables and anchors, there were so many circumstances to be taken into consideration, that they ought to hesitate before pronouncing a censure on the conduct of the Admiralty. The anchors used in

the *Devastation* were essentially of the character of Trotman's anchors.

GENERAL SIR GEORGE BALFOUR urged upon the Committee the great importance of abstaining from making expenditure on stores for Army and Navy a party question. Having had the honour to serve under the right hon. Baronet the Member for Droitwich (Sir John Pakington) he could speak of the anxiety felt by him to provide the Army with stores, in such quantities as would combine efficiency with economy; and doubtless the present Secretary of State for War had evinced the same desire. As respected the Admiralty, he was favourably impressed from information obtained in "another place," with the efforts made by the right hon. Gentleman the Member for Pontefract (Mr. Childers) in regard to stores. It must be remembered that the change made in the fleet of the country by the recent Admiralty administrations necessitated a change in the character as well as the quantity of stores used. The change had, no doubt, been going on for years, but practically it was only since 1868 that the old establishment of the wooden Navy of four fleets, each of 30 line-of-battle ships, with the due proportion of frigates, and mounting in all 18,000 smooth-bore guns, had been effectually changed into an iron-clad fleet mounting only about 2,200 guns. The experience derived from the previous numerous vessels of the wooden navy, as to the quality, cost, and description of stores required for use, could not be made applicable to the stores of the present iron navy. Indeed, the old and long-established proportions of stores to be kept in reserve for war, could not be adhered to in the present day. These changes in the fleet had therefore raised difficulties in deciding on the outlay to be incurred on stores. It was one of the most difficult operations in Army or Naval administrations to determine the proportions of stores to be maintained in excess of the annual expenditure. It was comparatively easy to settle the amount required to provide all that was to be consumed within the year; but it was entirely different when stores had to be laid in as a reserve for unforeseen emergencies. It was in the loss on stores which became obsolete, that waste was to be expected, and the economy of good administration could

*Lord Henry Lennox*

best be shown by minimizing the inevitable loss on stores that must deteriorate from long keeping. Now, as regarded the present and past expenditure on stores, he urged on the attention of the Committee that the House could not judge of its propriety; seeing that the money provided was only for laying in stores, and no information was before the House as to their future employment. Until therefore the state of the stores for Army and Navy, as to the remains in stock at the beginning and end of the year, and the receipts and expenditure within the year, were known, these criticisms on money expenditure were of no use.

MR. SHAW LEFEVRE said, that the timber in question had been purchased for a special purpose, in the construction of ships' frames, but iron was now used for that purpose. A large portion of the timber had been put up for sale, but no purchasers were found for it. Seven hundred loads had, however, been utilized during the last three years, and efforts would be made to turn it to account as speedily as possible.

SIR JAMES ELPHINSTONE said, he deemed it improvident, considering that the teak forests of India were rapidly being exhausted, to sell timber which could not be replaced at the price. As to Italian oak, it was thought important to obtain it in 1862 for heavy screw line-of-battle ships, and when the hon. Gentleman the Secretary to the Admiralty said it could not be used, he ought to be superseded, for with very little ingenuity it might be made serviceable. Unless stronger evidence were adduced, he could not credit the alleged extent of its deterioration, the only deterioration which he knew of arising from the penurious practice of not protecting it from the weather in some of the dockyards. The time of the Committee might be much better occupied than in electioneering matters. Members often visited each other's boroughs, sometimes in peace and sometimes in war, and it should be remembered that the right hon. Gentleman the First Lord himself went down to Bristol. [MR. GOSCHEN: By invitation of the Members.] The present Board were struggling against the adverse circumstances bequeathed them by the late First Lord (Mr. Childers) but they had not the fairness to acknowledge that his administration

was a failure, and that they were doing their best to repair his errors.

MR. RYLANDS complained of the repetition of charges against his right hon. Friend the Member for Pontefract (Mr. Childers) which had frequently been refuted. He took little interest in the recriminations of the two front benches as to which had been the more extravagant, but he maintained that the present expenditure was excessive. Of course, we must keep up our Navy; but that was no justification for buying a large quantity of stores which might become useless, and lead to absolute waste. In a short time, we should probably find the price of coals and the price of iron falling in the market. He, therefore, regarded it as an improvident policy to put on additional men and buy large quantities of materials in order to find them work. He was anxious for the production of the Return, promised by the right hon. Gentleman the First Lord, of ships which had vanished from the Navy, and hoped it would comprise the last 15 years, believing it would show that money had been wasted in ships of types which, while they were actually on the stocks, had become obsolete.

SIR JOHN HAY said, that the stock of timber formerly kept in store was about 60,000 loads, it being assumed that 20,000 loads would be necessary for one year's consumption. About 80,000 loads was, he thought, the quantity in store when the late Government left office. What quantity of timber was now in store he did not know, but it was very desirable that the Committee should be informed what was the condition of the wooden ships of the Navy. Unlike his predecessor, the right hon. Gentleman the present First Lord of the Admiralty had recognized the necessity of wooden ships. We had nine frigates now in commission, two building, and 20 in reserve. He should like to know how many of the 20 in reserve were fit for commission. He was led to believe the number was only four. He should also like some information as to how many corvettes, sloops, &c., were fit for commission, as to the cost at which they could be repaired, and whether they were worth repairing? With regard to iron-clads, we now appeared to be reduced to 22 or 23, exclusive of the *Devastation* and two ships now building.

MR. MELLOR referred to a Return before him, by which it appeared that the Admiralty had actually re-purchased some of the material of vessels which they had disposed of by private contract.

MR. LAIRD inquired as to the quantities and value of the stores sold?

MR. GOSCHEN explained that when stores were sold the proceeds did not go to the Admiralty, but passed to the Exchequer. The increase in the sum for stores this year was due not to any increase in the quantity bought, but to the extraordinary rise in prices. He also denied generally that there had been any undue reduction of stores made by his right hon. Friend the Member for Pontefract (Mr. Childers), or any undue increase made by himself. The country required a certain number of ships, and if the number was diminished by ships vanishing from the Navy, it was necessary to replace them. He had no Papers then before him by means of which to gratify the natural curiosity of the hon. Baronet the Member for Stamford (Sir John Hay). As to frigates, the hon. Baronet's statement seemed to be substantially correct. There might be differences of opinion as to whether a frigate was worth repairing or not. No country in the world was, so far as he was aware, at present building frigates, and few were repairing them. Large corvettes, heavily armed, were taking their place. As to sloops, every effort was being made to build them.

*Vote agreed to.*

(2.) £609,366, Steam Machinery and Ships Building by Contract.

LORD HENRY LENNOX complained of the difficulty which he found in making out from the Estimates, in their present state, the sums which were expended on unarmoured vessels built by contract during the year, and the ships on which the money had been laid out. In the year 1872-3 the Admiralty asked for a sum of £106,340 for those ships, and there was a Supplemental Estimate of £18,000, making altogether £124,340. Now, according to a Return which he held in his hand, and which had been moved for by his hon. Friend the Member for Birkenhead (Mr. Laird), he found that in that year the Admiralty had ordered 17 new ships, and the total

estimate for the first cost was, he found, £182,000, whereas the sum authorized by Parliament was only £124,340. It appeared, however, by the Return before the Committee, that only £152,000 was actually expended. Now, there was no reference made in the Estimates as to any balance, and he understood from the right hon. Gentleman the First Lord of the Admiralty that we had under Section B a liability this year of £211,411 to complete unarmoured ships already begun, or upwards of £100,000 more than Parliament had authorized. He hoped next year an Appendix would be given to the Vote, something like that attached to Vote 6, and showing what was the work which had really been done in the dockyards, as well as the work done under contract. The Return, too, was drawn up in a somewhat careless manner, because under the head "now building," some 11 vessels were set down which, according to the Return itself, had been completed in 1871.

MR. GOSCHEN explained that there was some foundation for the remarks of the noble Lord, the Member for Chichester (Lord Henry Lennox), and that the sum of £211,411 for ships already ordered was a mistake caused by a misprint. He might add that full particulars had never been given with regard to Vote 10, as to ships building by contract, inasmuch as it was not considered by the Admiralty desirable to show contractors at what price the ships had been estimated by the Admiralty. With regard to the past, he was willing to investigate the former Admiralty accounts, in order to see if it could be more accurately shown what had been done during the past two or three years. The increase in the Estimate for the present year, under the head of contracts for building ships, was due to the fact that several contracts had not been entered into last year in consequence of the high prices demanded, and the delay had resulted in a gain of £40,000 to the country. It was, however, necessary that the vessels authorized to be built should be ordered to be commenced by the contractors during the present year, and it was owing to these arrears in the shipbuilding that were included in the Estimates for the present year that the latter showed an increase over those of last year. The increase was also partly owing to the fact that it had been deter-

mined to build the corvette *Rover* by contract, instead of in the Government Dockyards. He complained of the noble Lord opposite, because, in the long list of ships which he alleged had not been completed, he did not give the Admiralty credit for several vessels which had been completed.

Mr. SAMUDA complained of the proportionately small amount of ships which were being built by contract this year as compared with those which were being built in the Royal Dockyards. He did so, because he was convinced that contract ships were built for fully 20 per cent less than the same vessels would cost in the Government Dockyards. This evil, from an economical point of view, was growing worse and worse, as at present, it was only intended to spend £91,000, as against £2,200,000, proposed to be expended in the dockyards.

Mr. GOSCHEN said, the true test of the proportion mentioned by the hon. Member who had just sat down was the amount of tonnage proposed to be built. The hon. Member simply took the amount of new ships, and left out those ordered last year and completed this. The real proportion was this—the Admiralty proposed to build 14,000 tons in the Dockyards, and 6,000 tons by contract, the latter being paid for.

SIR JOHN HAY pointed out that there appeared to be a sum of £100,000 asked for in excess of the amount required for building vessels by contract, and, perhaps, it would turn out next February that this sum had been appropriated to increasing the stores.

Mr. GOSCHEN explained that the whole of the money taken last year had not been spent in shipbuilding. He would place an explanatory Paper on the Table.

Mr. MAGNIAC drew attention to the enormous cost of maintaining compound engines, which would go a long way towards swallowing up the sum saved by those engines by their smaller consumption of coal. He suggested that a Return should be presented to the House showing the cost of maintaining these engines, and how much coal they saved annually.

Mr. MONTAGU CHAMBERS thought the private builders had got the "lion's share" with respect to the building of ships for the Navy, for

£144,000 of new work was proposed to be given them altogether, although only £91,000 was to be spent this year.

Mr. RYLANDS said, the hon. Member for the Tower Hamlets (Mr. Samuda) had put himself out of court by the apology he made for the Government the other night, when a proposition was made to reduce the number of men in the Dockyards to 11,000. As, however, they had chosen to employ 13,000 or 14,000 men in them, they must find them something to do, and could not, of course, give out so much contract work. It would seem from the statement of the Government as to a great part of the Vote for the Dockyards and of that for Stores being required for repairs, that the iron-clads were more injurious to each other than to anything else. The Admiralty ought to produce these accounts in such a shape that the Committee might know more accurately what was being done by contract, and what in the dockyards. As it appeared that ships were built in private yards at a cost less by 20 per cent than those built in the dockyards, he thought the policy of the right hon. Gentleman the Member for Pontefract (Mr. Childers) of purchasing from private yards at least a fifth of the ships added to the Navy was a right policy, and he should like to see it carried out.

Mr. GOSCHEN said, the accounts laid before the Committee were very elaborate and costly. Of the 20,000 tons of shipbuilding required by the Admiralty, 6,000 would be obtained from private yards—that was to say, private builders would build much more than a fourth of the 20,000 tons. Some of the ships built in the dockyards cost less, others more, than those constructed by private firms.

Mr. SAMUDA said, it had been shown before the Committee presided over by the hon. Member for Lincoln (Mr. Seely), that if a very moderate sum were added for Establishment charges, a vessel would cost £100 per ton in the dockyards, whereas if built by private contract, it would cost very considerably less.

Mr. GOSCHEN said, it must be remembered that the Establishment must always remain for expansion during war. Private shipbuilders might compete with the Royal Yards for the building of a certain class of vessels, though it was doubtful, whether they could build so cheaply. But there was much loose

assertion as to the cost of building in the dockyards.

MR. MONTAGU CHAMBERS, as a representative of a dockyard town, could not help saying that much of the work done in the Royal Yards for repairs was rendered necessary by the badness of the shipbuilding work done for the Navy by contract. He maintained that the dockyards, though at one time they were not well managed and the accounts were irregularly kept, were cheaper and produced better work than private yards. He protested, therefore, against attempts to run them down. He held that the time had come for placing the men employed in the steam factories, now a permanent branch of the Service, on the Establishment, they being entitled to equal advantages with the shipwrights and others in the old-fashioned yards.

SIR JOHN HAY wished to know whether the schooners required to regulate the labour traffic in Australia, for which a Supplementary Estimate of £18,000 had been taken, had been completed?

MR. GOSCHEN believed they must be all completed by this time, as they were to have been launched last February. The Estimate of £18,000 taken for them would not be exceeded.

*Vote agreed to.*

(3.) £682,218 New Works, Buildings, Machinery, and Repairs.

SIR JAMES ELPHINSTONE took occasion to urge on the Admiralty the desirability of erecting naval barracks at Portsmouth. They would prove a great comfort to the men, while they would lead to a diminution of crime and to increased regularity in the service.

MR. CANDLISH requested explanations of the four following items:—£1,000 in respect of a permanent hospital to be erected at Portland at a cost of £30,000; £2,000 for workshops in connection with Somerset Dock, at Malta, which would cost altogether £22,000; £1,000 on account of £10,000 for new storehouses at Sydney Garden Island; and £1,000 on account of £10,000 for dredging and forming landing-stages at Port Said.

MR. SHAW LEFEVRE stated that the works at Portsmouth undertaken by the contractors would be completed before the end of the financial year, but the work in the hands of the convicts

would not be completed so soon. With regard to naval barracks, no decision had been, at present, come to on the point. The land at Port Said had been bought as a coaling station jointly by the Indian and Imperial Governments, and it was intended to embank it also at their joint expense. It was proposed to build a hospital at Portland for the men of the Channel Fleet, and it was intended to utilize the Somerset Dock at Malta by building workshops in accordance with the recommendations of the Parliamentary Committee in 1864.

In reply to Sir JOHN HAY,

MR. GOSCHEN said, in his own personal view, a great deal might be advanced in favour of the establishment of naval barracks, but it was a matter of so much importance to the whole of the Admiralty, that he was not prepared to make any statement at that moment, and without consultation with those whose opinions were of the greatest value. In regard to the works at Chatham, too much praise could not be given to the director of those works, for the energy and great intelligence with which he had conducted the whole of the operations, and he was glad to think there would be a surplus on the original estimate.

MR. MACFIE said, that a great deal of money was being spent on defensive works in the Southern part of the Island, but little or nothing was being done north of the Thames, and especially on the east coast. He submitted that defensive works might be erected at a comparative small cost about Queensferry in the Firth of Forth. There was at present before Parliament, a Bill for erecting a bridge across the Firth of Forth, and he hoped the First Lord of the Admiralty would direct his attention to that scheme, in order to see that the bridge was not constructed at such a low level as to prevent vessels of war from passing under it. The height proposed was 150 feet, with an alternative plan of 140 feet, and he doubted very much whether this altitude would prove sufficient for all purposes.

MR. SHAW LEFEVRE could hold no hope that any proposal would be made, at all events, for some time, to construct works at the point mentioned by the hon. Member for Leith.

*Vote agreed to.*

*Mr. Goschen*

(4.) £70,800, Medicines, Medical Stores, &c.

SIR JOHN HAY suggested that a work recently published by Dr. Fayrer on the subject of wounds from Indian snakes should be supplied to naval hospitals for the information of medical men. He wished a few copies of the book could be obtained and distributed.

MR. GOSCHEN said, his attention had been directed to the subject.

*Vote agreed to.*

(5.) £16,080, Martial Law and Law Charges.

(6.) £105,288 Miscellaneous Services.

LORD HENRY LENNOX called attention to the services rendered by Mr. May, at Portsmouth, who had been rewarded by the miserable pension of £17 a-year.

MR. GOSCHEN said, if a special application were made to the Admiralty it would be favourably considered.

SIR JOHN HAY asked whether it was intended to appoint Naval Attachés at foreign Embassies?

MR. GOSCHEN believed there had only been two permanent Naval Attachés — namely, at Washington and Paris. Instead, however, of continuing them, it had been thought desirable to gather information as to the various European Navies, and Captain Goodenough had given valuable Reports on the French, Italian, and Russian Navies. On his resignation, Vice Admiral Ryder had been deputed to go over the ground again, and he had been in France, and would go to Russia in the summer. [Mr. RYLANDS: Not as a permanent appointment.] No; his engagement would terminate two years hence. Captain Gore Jones would also be sent to Washington, where he would remain some little time.

*Vote agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £847,462, be granted to Her Majesty, to defray the Expense of Half-pay, Reserved and Retired Pay, to Officers of the Navy and Royal Marines, which will come in course of payment during the year ending on the 31st day of March 1874."

MR. GOSCHEN said, the Vote presented an increase, which was accounted for by certain changes made in the retirement of classes of officers other than those to whom the scheme of his right

hon. Friend the Member for Pontefract (Mr. Childers) applied. A certain number of sub-lieutenants had been promoted to be lieutenants, it being thought undesirable that persons should remain sub-lieutenants more than four years. He wished to state a few points connected with the Vote to which attention had naturally been drawn. It had been stated that the scheme had not diminished the lists as rapidly as his right hon. Friend expected. His right hon. Friend never, however, intended to strain the regulations so as to drive the younger captains off the list by refusing them employment. It would be unfair to diminish the lists by compelling officers to quit the service by such a course. As regarded age, indeed, the scheme was compulsory; but as regarded a great portion of its attractions it had to be worked voluntarily by the officers. The question, therefore, was how they could offer sufficient inducements to officers to retire? He must repeat that, although the Admiralty were sometimes accused of being over-economical in working the system of retirement, a more liberal scheme than that of his right hon. Friend had never been propounded. It offered larger pecuniary inducements to retirement than any previous scheme. He entirely agreed that it was a matter of most serious importance that they should diminish the number of officers on the Half-pay List; and there were only two ways of doing that; either by employing them or offering them terms of retirement which they would accept. It was impossible to create employment simply to appoint more captains and commanders of ships. He entirely denied that the number of unemployed officers was greater now than in former years. In 1868 there were 171 captains on the Half-pay List; in 1869 the number was 187; in 1870, 199; in 1871, after the retirement scheme, the number was 150; in 1872, 146; in 1873, 139. There were now 139 captains on the Half-pay List, as compared with 171 in 1868. The number of officers unemployed, though large in itself, was therefore small as compared with former years. With regard to commanders the number on the Half-pay List had been 203 in 1868; in 1869, 222; in 1870, 231; in 1871, 157; in 1872, 156; and in 1873, 148. Though there were more officers on the Half-pay List than anyone liked, it was not true



that there was anything in the proposal of the Admiralty which had increased this, which was always considered one of the "blots" of the Service. He had seen in several quarters that there was a disposition to put pressure on the Admiralty with a view to reduce the Half-pay List by some further proposal. Now, nothing could be more agreeable to the Admiralty than to receive a proposal by which, through some quick operation, they could place the lists on their normal footing, and give officers more rapid and continuous employment, because nothing could be worse for the efficiency of officers than to remain so long on shore when ships were changing so rapidly. In regard to age, no system of compulsory retirement less stringent would be applicable. If such a proposals as he had seen in some of the public organs—namely, a scheme involving a cost of £18,000 a-year by which the lists would be reduced to their normal numbers, and more continuous employment be provided for officers could be devised, he should regard it with the greatest favour; and Parliament, he thought, would not be disinclined to sanction it. But it required the greatest care and delicacy in examining it, for the more it was looked into the more questionable it would appear whether any rough-and-ready scheme of giving an extra 10 years' service to every officer to induce him to retire, as was done in the Civil Service in cases of compulsory abolition of office, would be satisfactory. All he could say was, if some such scheme would have the desired effect, the Admiralty would most cordially entertain it. He thought it right to make these preliminary remarks in proposing this Vote; for if such a scheme were carried out, a Supplementary Vote would be necessary. He did not consider that officers had now more grievances to complain of under this head than previously; but still he thought the retirement of his right hon. Friend should be helped on by every possible means, and if the Half-pay List could be reduced by any scheme of voluntary retirement the Admiralty would examine it with every wish to effect the object in view.

MR JOHN HAY suggested that the Vote should be deferred.

Motion, by leave, *withdrawn*.

*Mr. Goschen*

(7.) £643,216, Military Pensions and Allowances.

(8.) £296,448, Civil Pensions.

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £167,740, be granted to Her Majesty, to defray the Expense for the Freight of Ships, for the Victualling and for the Conveyance of Troops on account of the Army Department, which will come in course of payment during the year ending on the 31st day of March 1874."

House resumed.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee also report Progress; to sit again upon *Thursday* 5th June.

#### SUPPLY—REPORT.

Resolution [May 23] reported;

"That a sum, not exceeding £3,200,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1874, for the amounts awarded to the Government of the United States of America under the Treaty of Washington 1871, in satisfaction of the Alabama Claims."

Motion made, and Question proposed, "That the said Resolution be now read a second time."

MR. G. BENTINCK in rising, pursuant to Notice, to call attention to the course taken by Her Majesty's Government with reference to the alterations in the International Law sanctioned by them prior to the negotiations, said, that the transactions of which the present Vote might be regarded as the last stage, formed one of the most remarkable episodes in the history of that or any other country. He must express his surprise and regret that they should have arrived at such a stage without having been fully discussed in the House of Commons, and he could not better show in what position we stood when the Alabama Claims were first raised, than by quoting the words of a statesman whose authority in the matter would be regarded as paramount on both sides of the House, both from the position he occupied when the subject came under consideration at the first, and also, because through a long career, he had shown himself eminently qualified to give an opinion upon the question. He alluded to Lord Russell, who, writing to Mr. Adams in December, 1862, said—

"Her Majesty's Government cannot, therefore," having given his reasons, "admit that they are under any obligation whatever to make compensation to the United States' citizens on account of the proceedings of the *Alabama*."

Nothing could be more clear and intelligible than that statement; but in the face of it, what course did the Government adopt? Lord Russell distinctly stated, and proved, that under existing International Law, the position of England was impregnable, and that she was not liable to pay a shilling, whereas in the statement of the matter referred to arbitration, as understood by the Government, they set forth new rules of International Law under which such liability might be established. The object of the Government, in fact, seemed to have been to frame rules by which England might become subject to a responsibility which could not be established under the previously existing law. They said—

"Her Britannic Majesty has commanded Her Commissioners to declare that Her Majesty cannot assent to the foregoing rules as a statement of principles of International Law which were in force at the time when the Claims mentioned in Article 1 arose; but that Her Majesty in order to evince Her desire to strengthen the friendly relations between the two countries, and to make satisfactory provisions for the future, agrees that in deciding the question between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principle set forth in those rules."

Was it possible to conceive a more marvellous course for a great country to adopt? Her Majesty's Government framed an *ex post facto* law, and stated their willingness to have it assumed that that law existed at the time the claims arose, and their readiness to abide by it. He was much struck by a remark made to him by an hon. and learned Friend on this subject, to the effect that if he had done what the Government had, he should lose every client he had, and be deservedly branded as a fool into the bargain. What said one of the Arbitrators—the Lord Chief Justice—whose remarkable Judgment could not be perused without admiration? Why—

"That the effect of this part of the Treaty was to place the Arbitrators in a position of much difficulty, because obligation for a non-fulfilment of which redress could be claimed, presupposed a prior existing law, under which a right existed on the one side, and a corresponding obligation on the other."

But here they had to deal with obligations assumed to have existed prior to

the Treaty, yet arising out of a supposed law created for the present time by the Treaty itself. His Lordship further observed—

"It was to be regretted that the whole subject-matter of this great contest, in law as well as in fact, was not left to be decided by the Arbitrators according to the true principles of International Law at the time when those alleged causes of complaint were said to have arisen."

The Government, in fact, committed a double mistake. The first was that of rendering this country liable under an *ex post facto* law, and the relinquishing of the impregnable position which they had occupied, and which might have been maintained with perfect justice and in entire accordance with everything due to the honour of this country; the second—an inconceivable blunder on their part—was the notion that by doing so, they were generating a strong feeling of friendship between the two countries. One result of the course they had taken would be to tempt other nations to insult this country and claim damages against it, seeing how easily we yielded in the case to be tried by laws framed for the purpose, and it appeared that the Government could have done nothing more likely to engender bad blood between England and the United States, than this very concession on their part. It was better to speak out plainly than to use the wretched subterfuges, the unmeaning expressions of friendship, adopted by Governments when hostile feelings really existed, and in that view he was supported by a remarkable book written by Mr. Caleb Cushing, in which that gentleman stated that there was in the United States not only a strong feeling of animosity against England, but likewise a feeling of triumph at the victory obtained by the Government of the former over that of the latter. The latter feeling was very natural, for it was a great victory so to have arranged matters that we had been mulcted of £3,200,000, for acts which did not make us indebted to them one shilling, and the excuse for the writer's tone of undue triumph was, that he was unfortunately a native of a country with Republican institutions, so that the high and chivalrous feeling prevailing in diplomatic matters in older and monarchical countries could not be looked for. As to his attack on the Lord Chief Justice of England, no man was better able

to defend himself than that eminent gentleman, and his high character and position could never be affected by the attacks of a writer of so unworthy a book. With regard to Her Majesty's Government, the hon. Gentleman the Secretary of the Treasury (Mr. Glyn), a man of ability, thoroughly acquainted with their proceedings, and probably speaking under their orders, had told his constituents that the object in paying the money was to avert hostilities with America. Such a statement was degrading to the country, holding out an inducement to the United States to make other demands on us; and, as he presumed, our temper and forbearance had some limits, we might eventually be forced into a war which would have been avoided had the Government possessed the common sense and courage to say—"We owe you nothing, and will pay you nothing." The right hon. Gentleman the Chancellor of the Exchequer, too, had expressed a hope that we should often be called upon a similar award; in other words, he hoped that England would again be degraded, and a large sum squandered in meeting unjust claims. Whatever the feeling of the people as to the honour of the country, the Government appeared indifferent to it. Instead of carrying on long negotiations and almost petitioning America to waive the Indirect Claims, the Government ought, the moment they were preferred, to have broken off negotiations, and insisted on starting *de novo*, and seeing whether one country was indebted to the other or not. What, moreover, had become of the counter claims of English subjects in connection with the *Alabama* depredations? [Viscount ENFIELD: They are going on.] That was no explanation on the part of Her Majesty's Government. They ought to have formed part of the Case before the Arbitrators. Why had they not been submitted to arbitration. [Viscount ENFIELD: They have been.] Then, why were they not set off against the £3,200,000? Why pay that sum first, and settle those claims afterwards? Again, the Government professed a wish to maintain the connection with Canada, though they had ingeniously put themselves in a position of inability to protect her. He wanted to know why they had heard nothing on the subject of the Fenian Raids into Canada, which, according to the accounts

given in the newspapers at the time, were owing to the negligence of the United States Government, at least quite as much as the escape of those vessels from our ports was owing to the negligence of our Government? If we still held to the connection between this country and Canada, why was the grievance of Canada entirely lost sight of? Was that also to conciliate the goodwill and friendship of the United States? Was there no sense of shame left in this country? Did the Government think the Canadians were blind or indifferent to those facts, and would not conclude, either that we had not the courage, or had not the power to protect them? On what grounds were the claims against England submitted to arbitration, while those counter claims were still under discussion? Further, he wanted to know what was the state of the negotiations between this country and the United States with respect to the damage inflicted on Canada by the Fenian Raids, resulting in a large loss of property and a considerable loss of life. He contended that the honour of a great country ought never to be submitted to arbitration. A country which was not in a position to say what were its own liabilities and what was due to its own honour was no longer able to call itself a great Power; and the mere fact of our having sanctioned the principle of arbitration was a blow to our national honour. He brought that question forward in no party spirit. He believed Her Majesty's Opposition were as culpable as the Government, because it was their duty to have raised a discussion on that subject in the earlier part of those transactions. The right hon. Gentleman the Member for North Devon (Sir Stafford Northcote), whose good faith in that matter no one doubted, was there to speak for himself; but Her Majesty's Opposition in a body were absent, and therefore he said they had shown a most lamentable indifference to what was due to the honour and interest of this country. In conclusion, he must say that he trusted he should be followed by those who were more competent to deal with the question than he was; but having carefully, and to the best of his ability, studied that question, he believed there could not be found in the records of any country in the world such a marvellous monument of human folly, or such a signal instance

of national degradation, as was presented in that transaction.

MR. GREGORY thought that, although the payment of that money was a foregone conclusion, it was well that the country should have before it the circumstances under which that liability was incurred. The hon. Member then traced the course of the negotiations from the beginning, as given in the official Correspondence, and expressed his belief that if Her Majesty's Government had adhered to the line originally adopted by Lord Derby and Lord Clarendon, and insisted on a clear basis being laid down for any Treaty which might be concluded, much of the difficulty and the unfriendly discussion which had occurred between the two countries would have been avoided. The eagerness with which the Government had entered into the negotiations must have led the Americans to suppose that we were willing to accept terms less favourable than had been before insisted on, and therefore they proposed to raise them. He also thought it much to be regretted that the full powers and confidence which, according to the terms of their appointment, were to be given to the Commissioners, were not ultimately reposed in them. The Government had hurried them off, and when they refused, as was natural and proper, to accept the proposals of the American Commissioners, the Government repudiated that sensible decision, and assented to principles upon which all these liabilities had arisen. He thought no man of any legal experience in that House could remember a case in which an *ex post facto* law had been employed to control an antecedent state of things. He should have been ashamed of himself, and should deserve to lose any professional reputation he might possess, if he had ever consented to such a settlement. It was not only an unprecedented but a monstrous settlement, and he thought the House should enter its decided protest against the principles on which it was based.

MR. ANDERSON said, he saw the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) in his place, and he should like him to explain what up to this time had never been explained, and that was—why the surrender of General Lee was taken to be the end of the war, after which no claim on behalf of British subjects was

allowed to be brought forward? Now, the surrender of General Lee was not the end of the war, because three Confederate armies were in the field for weeks afterwards, and damage was done to British property after the date of the surrender. Surely, the proper end of the war ought to have been taken from the period fixed by the American Courts in dealing with cases amongst their own subjects. He could not help thinking that the Americans got the better of us in the late negotiations, with regard to that portion of the subject. The noble Lord the Under Secretary of State for Foreign Affairs (Viscount Enfield) had been asked whether British claims arising out of the *Alabama* depredations were to be considered, and he replied that they were going on; the noble Lord, however was mistaken, for the claims now under consideration at Washington were not British claims arising from *Alabama* depredations, but counter claims for a totally different thing. But the question at issue was not confined to the destruction of American ships and goods by the *Alabama*; and he regretted to find that while the Government were going to pay America over £3,000,000 for the damages inflicted on American subjects by the *Alabama*, yet they were not going to pay for the damages sustained by British subjects. The *Alabama* burnt a number of vessels in which British cargoes were stowed. He had heard of an instance in which an American ship loaded with British goods of the value of £5,000, belonging to a constituent of his, having been boarded by Captain Semmes, the captain of the ship had informed him that the goods in the vessel were British and not American, and showed him the papers signed by the British Consul. Whereupon Captain Semmes said, he knew that very well; but, nevertheless, he told his lieutenant to take out of the ship what he wanted and then to burn her, which was accordingly done. If we were obliged to pay for damages sustained by the Americans by reason of the conduct of the *Alabama*, why were we not equally bound to pay for the damages sustained by our own subjects by reason of the acts of that vessel? He had that night asked for the production of the Opinion of the Law Officers, in which they had enunciated that doctrine; and he was sorry it was not produced, for the

position of the Government in the matter appeared to him to be untenable. He was not influenced by the fact that the Law Officers of the Crown had advised Her Majesty's Government not to accede to these claims on the part of the British owners who had sustained losses by the *Alabama*, because he was aware that the opinion of counsel was largely influenced by the manner in which a case was laid before them. The present state of this question was most unsatisfactory, and these claims could not be allowed to remain unsettled. As for the American claims, which had been awarded by the Geneva Arbitration, we must pay the money, and he could not agree that in so doing we should, as had been suggested by some hon. Members, undergo any degradation.

MR. F. S. POWELL expressed his approval of the principle of arbitration as a means of settling international disputes, although there were some points in the negotiations that had occurred between ourselves and America which he did not approve on account of the loose manner in which they had been conducted. At the same time it must be remembered that this was the first occasion when the principle was applied to the affairs of two great nations, and that the circumstances were of a highly complicated character. There was therefore nothing to cause discouragement in the fact that difficulties had arisen in the course of such a transaction. He trusted that the Government would pay the whole of the sum awarded to America by the Geneva Tribunal out of the revenue of the current year, as it was possible that our finances might not remain in so prosperous a condition as they were at present. He objected to the *ex post facto* Rules that had been agreed to as the foundation of the Geneva Award, and regretted that the language of the Lord Chief Justice, when acting as our Arbitrator, should have been censured by the right hon. Gentleman the Chancellor of the Exchequer, instead of being supported by Her Majesty's Government. Another matter to be regretted was, that the Government had not been more urgent in reference to the Fenian Raids; and there was this still further cause for regret, that the Arbitrators were not allowed to choose an intermediate channel at San Juan. The fact that this channel was not navigable

appeared to him an argument in favour of it as a desirable boundary. He rejoiced in the fact that the Arbitration had been submitted to, as it had produced a very friendly feeling between the two countries, and had put an end to all present danger of ruptures between England and America. These dangers were past; he hoped there were no dangers to come. But he was not free from fear lest the settlement, satisfactory as it might seem at the moment, should ultimately prove the cause of grave complications in international relations.

SIR STAFFORD NORTHCOTE said, that until quite recently he had thought it would be well that this Vote should be allowed to pass without comment. But, of course, it was open to any hon. Member of the House to take—and, perhaps, not unlikely that some hon. Members would take—the opportunity, when this Vote came on, of challenging the whole question; and he himself certainly would not be at all disposed to find any fault with his hon. Friend the Member for West Norfolk (Mr. G. Bentinck), either for having called attention to the subject, or on account of the general character of the remarks which, from the point of view he had taken, he had thought fit to make. He himself, however, should not have taken part in this discussion but for the pointed references made to him by one or two speakers, and especially the question which had been put to him by the hon. Member for Glasgow (Mr. Anderson). He must really ask the indulgence of the House for anything he might say on this matter. He felt that he was in a position of very great difficulty. He accepted the appointment—the very honourable appointment—of one of the Commissioners in 1871, at the request of a Government with which he was not connected, for the purpose of carrying through what he believed then, and what he still believed, to be a work of great national importance. He found himself with Colleagues officially connected with the Government, and who, of course, had much greater authority than himself on matters in which the sentiments of the Government were concerned. And the Commissioners as a body found themselves in this remarkable position—which, probably, never had been the position of any other nego-

Mr. Anderson

tiators in a matter of similar importance—they were at the end of a telegraph wire, every stage in their proceedings was reported home, and they received from time to time communications from Her Majesty's Government which, although they had plenipotentiary powers, they felt themselves bound to obey. The consequence was that the negotiations were conducted with great difficulty. He had never disguised from himself the fact that parts of the negotiations had not been so thoroughly and satisfactorily settled as he thought they might have been, if the negotiations could have been conducted in another manner. With reference to the question which the hon. Member for Glasgow had put to him, he was sorry to say he was not able to give him as satisfactory an answer as he ought to give. He violated no confidence, however, in telling him what really did occur. On the original draft of the Articles to which the hon. Member referred, it was pressed on one side that compensation should be made for claims for loss to British subjects which had occurred during the recent rebellion in the United States. On the other side, the British Commissioners did not like the phrase "Rebellion;" they preferred the phrase "Civil War," and there was a very animated discussion between the two bodies of Commissioners on the question whether the word "Rebellion," or the words "Civil War," ought or ought not to be admitted into the Treaty. They were very near the end of their proceedings, and as it was very hard to get over the difficulty, a suggestion was made, he thought, at the last Conference, that the difficulty might be got over—neither side being willing to waive a particular expression—by inserting dates which would cover the period that was intended. The suggestion was adopted, and dates inserted. For himself, he was ashamed to say that he did not—whatever others might have done—take particular notice whether the last date that was given really did coincide with the termination of the war or not. But it was his full belief that it did, and he believed it was everybody's idea that it made no difference at all. He believed there was no intention of making the period less than was originally intended by both parties. However, if the changing a word in the original clause had the effect of ex-

cluding parties who otherwise would have been entitled, he, for one, was very sorry. He did not know whether that was so or not. He doubted whether any claims had been excluded that would have been admitted if a later date had been taken. That was the history of the case. With regard to the matter generally, he would rather leave it to the Government to define, if it was necessary to define, the precise terms of the Treaty, because the terms were altered from time to time. They assented to the terms which were proposed; and with regard to expressions which had been criticized, they were really more expressions of Her Majesty's Government than of the Commissioners. But this he wished to say with reference to the agreement generally. Both now, and on other occasions, the Treaty had been spoken of as something derogatory to the honour of Great Britain. That was a view which, if it was a correct one, would reflect great discredit not only upon the Government that negotiated it, but also upon all who in any way took part in it. He thought the way in which the Treaty was spoken of in that and in the other House when it was first laid before Parliament, showed that at all events those who were responsible for the negotiation could not and would not admit that in the very slightest degree they had been parties to any measure of national humiliation. He hoped he could speak of this matter irrespective of any personal connection with the proceeding. He hoped that he could look upon it as an independent Englishman and a Member of the Legislature; and he would say this—that whether or not the arrangement which was made was altogether the best that could have been made—which question he left aside—the arrangement was made with a strict regard to what was believed to be by those who negotiated the Treaty the honour and the real interests of England. With regard to the particular point brought forward by his hon. Friend the Member for West Norfolk, he must say distinctly that it would have been quite impossible for the English Commissioners to have accepted the Rules originally suggested by the American Commissioners, but that the Rules which were ultimately adopted went very little beyond what he believed was acknowledged to have been International Law at the time when the

Act of 1870 was under discussion, and moreover that the Rules embodied principles coinciding very closely with principles on which Lord Russell and the Government of the day professed themselves willing to act; and therefore he (Sir Stafford Northcote) could not admit that the Commissioners took an *ex post facto* view of the case. At the same time the expression in the Treaty, to the effect that Her Majesty's Government did not admit these Rules to have been rules of International Law at the time, was one which he did not like, and was fitted to produce the misunderstanding which had since arisen. If anybody would read the decision of the Arbitrators, he would find that with the exception of the Lord Chief Justice, they held that the Rules as they stood added nothing to International Law; and upon the merits of the general question, even if these Rules had not been laid down, the decision of the majority would have been precisely the same as it was. The Lord Chief Justice, on the other hand, would have decided that we had not committed any violation of International Law, as it was understood before the Rules were laid down. But then, the judgment of the Lord Chief Justice upon the facts of the case would have been, that we had not exercised that vigilance which we ought to have exercised, and which Lord Russell in his despatches at the time always expressed himself desirous of exercising. That position would have been a most unpleasant one, and it was far better, then, that we should have endeavoured before going to arbitration to come to an understanding with the United States as to what we really wished, for the sake of this country and of civilized countries generally, should be held to be International Law for the future. Well, then, what was the substance of those Three Rules? The substance of the Three Rules, their intent and *animus*, was to prevent, for the future, that which we endeavoured to prevent, but entirely failed in preventing when the *Alabama* escaped. There was no country more interested than our own in preventing the sending out of privateers or vessels of that character from neutral ports. We believed that the great object to be gained by means of this settlement was not so much to obviate a quarrel with America, as to get a good rule for

*Sir Stafford Northcote*

the future, which should free commerce from the dangers to which it had been exposed. He moreover wished it to be understood, that it was on every account most desirable that that sort of ill-feeling which had been engendered between the two countries should be set at rest; not that there was any idea whatever of this matter leading to a war between the two countries, but what it would lead to was obvious enough in the negotiations about a wholly different matter. In the case of the Canadian Fisheries, upon which it was most important that there should be a good understanding between the two countries, we found that a sort of soreness which was felt by the Americans really prevented practical and good arrangements being made. Therefore, it was most important that good relations should be restored between the two countries, and the whole scope, spirit, and tendency of the Treaty of Washington was to establish such relations, and to lay down satisfactory Rules with respect to commerce for the future. He did not deny that what had happened since had been in many respects unsatisfactory. Reference had been made to discussions of last year, which we all viewed with great pain, and which we should be happy, so far as possible, to forget. He, however, was not at all anxious that we should huddle up and put certain misunderstandings out of sight, for it was much better if we thought there was anything wrong in the language used by the Americans, as, for instance, last year, with respect to the Indirect Claims, or recently, with regard to any indications that might have been given as to the result of the Arbitration, that these matters should be temperately and fairly discussed, and cleared up, if possible. Having gone so far, therefore, it would be a great pity if we allowed ourselves to stop short of a clear and satisfactory arrangement of this question of International Law; and though some few persons in America, in a prominent position, had uttered expressions which he thought deserved the reprobation they had received in this country, he believed the great mass of the Americans themselves felt quite as much annoyance and sorrow that such pretensions should have been put forward. The House was now about to pass this Vote, and it was really no matter of regret that some discussion

should have occurred upon it; but he hoped that the House and the country would feel that we ought not to allow any sense of having been losers by the Arbitration, or in some respects not having been met in the way we hoped, to interfere with our passing it in a cordial manner. It was for the interest of this country and of the civilized world generally that we should be on cordial relations with America, and he believed that these relations could only be maintained on two conditions—the one that we should be uniformly courteous and considerate in our dealings with them, and the other that we should not be afraid to speak out plainly, when we thought that they were, as they sometimes were, in the wrong.

MR. D. DALRYMPLE said, he did not grudge any money we had to pay on account of the *Alabama*, because he believed our Government made a great mistake in not taking more effectual measures to prevent the escape of that vessel. He was very much of opinion, however, that other countries besides America—France, for instance—had suffered from the depredations of the *Alabama*, and he was afraid that we should be called upon to pay their losses also. There were certain of our own countrymen who suffered losses in the War, and although the Law Officers of the Crown asserted the non-liability of our Government to pay these losses, he very much doubted whether the assertion, though it might be based upon strict law, could be considered to be based on national justice or on natural justice. If compensation were paid to the foreigner for his ship, surely the subject should be compensated for the cargo carried in that ship. In these remarks he was looking forward to another question that must arise—namely, how far the Arbitration in which we had engaged rendered us liable to further extension of our liability. If the effect of an Arbitration upon a neutral Power was to render that Power liable to every species of loss, then every Power that was injured ought to be re-imbursed for the loss which it had incurred. Unless that were so, no great Power would in future resort to arbitration. If we believed the plan of arbitration to be the method by which we were to get rid of all wars, and find ourselves in halcyon days, he doubted whether the

advantages of arbitration had not been overrated.

MR. GLADSTONE: Sir, It would have been advantageous if this Vote had been agreed to without discussion, but still I cannot complain that hon. Members have taken this opportunity of expressing their views upon it, and certainly I cannot complain of the course taken by the hon. Member for West Norfolk (Mr. G. Bentinck). On the contrary, I am bound to tender the hon. Member and his Friends my thanks for the very considerate manner in which they have conducted the discussion. I desire, in the first place, to disclaim, on the part of the Government, all responsibility for the expressions which have been ascribed to the hon. Member for Shaftesbury (Mr. Glyn), and I must also take exception to the hon. Gentleman's view of the Chancellor of the Exchequer's feeling on this subject. The hon. Gentleman seems to think the Chancellor of the Exchequer exults in opportunities for throwing away £3,000,000 or £4,000,000 of surplus, and feels it to be in the nature of absolute relief. Liberal and open-handed as my right hon. Friend is, I do not think he would carry his generosity to such a degree of extravagance; and as regards the hon. Member for Shaftesbury, I do not think he made use of the expressions that are put into his mouth by the hon. Gentleman. Perhaps, however, it is not necessary to enter into these matters, which are really by-gones, but as regards the Treaty of Washington, I consider the observations made upon it have been stated with perfect fairness, though on the other hand, the hon. Gentleman says it was a great and capital blot on the Government of this country, that the Washington Treaty was not set aside when the Indirect Claims were preferred. That opinion I cannot regard as either absurd or extravagant, but I must say it is unsound. The question in a great measure depended upon the presumption of good faith. One party thought the Claims within the scope of the engagement, and the other considered they were not. It was impossible in our view to conceive of a more gigantic error than was made by the American Government in importing the Indirect Claims into the Treaty, for as was shown by the documents of the British Government, they were so



enormous, that it was incredible anybody could seriously advance them. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) has stated that they were estimated at £100,000,000, and in my reply to that right hon. Gentleman, I have stated that the description was, I believed, within the mark. In fact, it was difficult to limit the number of millions to which these Claims extended, but the question is, were they advanced in good faith? If we could have shown they were advanced in bad faith, then we should have been justified in withdrawing from the Treaty altogether; but some allowance ought to be made. We have been blamed for not having used forensic statements and arguments, but such weapons have their dangers as well as their advantages. We were bound to give credit to the American Government for the same good faith as we ourselves were actuated by. If we had done what the hon. Gentleman complains was not done, we should have exposed ourselves to the most serious charges of having tampered with those principles of honour and truth which I am sure he would be the first to deplore. The hon. Gentleman went on to say that the honour of this country should never be submitted to arbitration. That is a sound doctrine, but the honour of the country has not been challenged. I am of opinion that the honour of a country should never be submitted to arbitration. It may be said that Lord Russell thought that the honour of the country had been challenged; but I feel sure that the Governments which succeeded those of Lord Palmerston and Lord Russell did not proceed upon that view, or that the honour of the country should be submitted to arbitration. Indeed, if the question had been the truth of a charge of wilful departure from national obligation, we should never have thought of going to arbitration. There are, however, some on the other side of the Atlantic who believe the neutrality of the British Government was insincere, and that it was challenged on that account, but we did not go to arbitration on that ground. The question whether a Government's subordinates had exercised all the care and diligence the case required, was a question quite apart from the honour and intentions of the Government, and that was the question sub-

mitted. Then the hon. Gentleman asks why the Arbitrators decided upon the Claims of the United States before they considered the British Claims against the United States? The hon. Gentleman is in error in supposing it was intended to give such precedence, or that precedence was actually given to the Alabama Claims over private claims. The Alabama Claims were public claims, arising between the two Governments; the other Claims were made by citizens of the United States against the British Government. The arbitration upon these private claims undoubtedly lasted much longer than the Arbitration at Geneva, and no wonder; because whereas at Geneva, there were only a small number of questions for decision, the cases for decision at Washington are exceedingly numerous, and may be counted by hundreds, if not even by a larger figure, and so far from there having been delay in carrying these cases to arbitration, as compared with the Alabama Claims, the arbitration upon the private claims at Washington began long before the proceedings at Geneva. They began, I think, in October, 1871, and have since been conducted with as much expedition as it was in the power of the Commissioners to use. Then the hon. Gentleman refers to the Fenian Raids, and complains that they were not included in the Treaty of Washington, founding upon this complaint, the further observation that a great wrong was thereby done to Canada, and must be felt by our fellow-subjects in the Dominion. Now, the conclusion at which the Government arrived was, that it was not part of their duty to insist that the Fenian Raids should be made subjects of discussion and settlement along with the other matters included in the Treaty. It would, however, be a mistake to suppose that the Government on that account forfeited their title to bring forward claims arising out of the Fenian Raids, and nothing has at any time been said or done by the Government to weaken their title to claim compensation from the United States on account of the Fenian Raids. The only question we decided was, as to the propriety, or at any rate the necessity, of mixing up the consideration of this subject with the other questions included in the Treaty. It is quite true that the Government have made a separate claim

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upon the United States in the matter of the Fenian Raids; but that fact does not bear upon the credit or the discredit of the Treaty. The Treaty of Washington did not surrender, and did not include these claims.

MR. G. BENTINCK: Why did it not include them?

MR. GLADSTONE: I need not now go back to the considerations which influenced the decision of the Government, because Parliament knew well what our decision was, and did not press us to include in the Treaty the question of the Fenian Raids; and I say that that claim, whatever it may be, suffered no prejudice whatever from the proceedings in connection with the Treaty, but stood upon its own merits after, as it did before, the conclusion of the Treaty. Then, again, Sir, I wish to remove an entire misapprehension—that the non-inclusion of this claim in the Treaty was a wrong done to Canada. The question as regards Canada was a question of money. Canada was informed by the British Government that we were perfectly ready to recognize her claim for the damage done by the Fenian Raids; and the Canadians, so far from being discontented, appeared by no means disinclined to entertain that view of the matter. The losses they suffered were fully discussed between the Government of the Dominion and this country, and the question of a money payment was considered, but the views of the Canadians rather inclined to a different form of compensation. It finally resolved itself into an Imperial guarantee for the purposes of a great work in the Dominion; and the Canadian Government recognized this guarantee as in full satisfaction of any losses sustained through the Fenian Raids. The hon. Member, then, should bear in mind that the Canadian Government had nothing to complain of in the shape of pecuniary losses from Fenian Raids, for which they had received ample compensation—and I apprehend that they think so too. Further, Canada herself had a far greater interest than any other part of the Empire in the conclusion of the Treaty of Washington. The Fishery question alone continually menaced the peace of Canada. No doubt, it also menaced the relations of this country and the United States; but Canada had the most direct and vital interest in the speedy and complete set-

tlement of all these questions. So far, then, from admitting that the Treaty of Washington ought to be a subject of dissatisfaction in Canada, or that it is a subject of dissatisfaction there, I believe that the Canadian people do not view the Treaty at all in the same light as the hon. Member, and that great satisfaction prevailed throughout the Dominion at the settlement of these alarming and menacing differences. Let me, further, remind the hon. Member that Canada possesses a free and effective Parliamentary Government, and that Government has had its conduct tested since the Treaty was concluded. The hon. Gentleman the Member for the West Riding of Yorkshire has paid a just tribute to a distinguished Member of the Canadian Ministry whose recent loss we all deplore; and the test applied at the elections to the conduct of the Government has been to give it the approval, and not the disapproval, of the people of the Dominion. The hon. Gentleman the Member for East Sussex (Mr. Gregory) has stated that Her Majesty's Government repudiated the acts of their Commissioners. He has nothing upon which to found this extraordinary statement, except a passage in the published Correspondence, in which the Commissioners stated that they were limited by their instructions in a certain matter, and that with regard to a demand made by the American Commissioners, they would refer it home for the instructions of their Government. The question was referred home, and the effect of the reference home was a modification of the ground previously taken by the British Commissioners under their instructions, but that does not give the smallest colour to the assertion of the hon. Gentleman that the British Government repudiated the act of their own Commissioners. A point of greater importance was his statement, that the fatal error of the negotiations was, that we allowed our conduct to be judged by an *ex post facto* law, and that, in consequence of such assent on our part, the country has been not only condemned to pay a very large sum of money, but likewise stands discredited and dishonoured by the condemnation. Now, I agree with the hon. Gentleman—if our liability for this payment accrues in consequence of any gross error of that kind, the payment does in itself imply a great deal

of discredit, as well as mere pecuniary loss. But we do not admit the main proposition of the hon. Gentleman; we deny that we consented to be judged by an *ex post facto* law. There are various points to be considered in this connection. First, was the Award made at Geneva either in whole or in part due to the operation of the Three Rules? [Mr. GREGORY: Hear, hear!] The hon. Member evidently thinks it was; I do not presume to say that the declarations made at Geneva give us the means of saying with absolute certainty that it was not, but the opinion of many of those who are most competent to judge, and who have most carefully and completely mastered the effect of the whole proceedings at Geneva is, that the Three Rules did not either in whole or in part bring about the Award; that if the Three Rules had not been included in the Treaty the Award would have been the same; and that the Award depended upon the Arbitrators' view of the obligations of International Law, not upon the principles embodied in the Three Rules.

MR. GREGORY: The right hon. Gentleman will remember that the words "due diligence" run through the decision of the Arbitrators.

MR. GLADSTONE: That is perfectly true, but it is also perfectly immaterial. What can be more trivial or indefinite than the stress laid here upon the words "due diligence!" They are quoted as if they involved some new and unheard-of principle. But surely it is mere matter of course—the mere A B C of international duty—that whenever obligations are cast upon a State, due diligence—that is to say, common ordinary care, must be shown in the discharge of those obligations. But suppose that the Three Rules were responsible, as I do not admit they were, for the Award, did we on that account suffer any injustice? Were they, as regards us, an *ex post facto* law? I say, they were not. We deemed that they formed part of the International Law at the time the Claims arose, but we never denied that they constituted part of our own obligation. We had a municipal law, the execution of which we ourselves recognized as part of our duty to America, and the true construction of which, though it was not admitted in the Courts, was in strict accordance with the terms of the Three Rules.

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It was the standard of duty we ourselves set up for ourselves, although we had not taken it as part of the International Law. It was not, therefore, an *ex post facto* law so far as regards us, but a new form of expression given to that which we had recognized as part of our own duty. Why was that form of expression used? Because the great advantage of this proceeding was to make some approximation to the International Law of the future, and we knew that the concurrence of those two great countries would be a great step achieved towards the incorporation of those Rules in the general Code which binds nations together. Therefore, I hope the hon. Gentleman will, at least, understand that to be our view. We, in no degree, admitted them to be an *ex post facto* law. We look upon that as a vulgar error which widely prevails in the popular mind—prevails, at least, to some extent, and no wonder it should, when supported by authority so respectable as that of the hon. Gentleman, but it is one which for the sake of the common sense and intelligence of the country ought to be dispelled. Sir, the hon. Member for West Norfolk summed up all his difficulties and objections, by stating that we did not owe a shilling, and consequently had undergone humiliation and degradation without precedent by being placed in a position in which we have to pay a great deal. Probably we may all think that a severe view was taken of our case at Geneva. That is a sentiment which it is most natural we should entertain. But let us remember that we are not the most impartial judges in our own case, and that the Arbitrators have, at least the presumption of impartiality. We must also bear in mind that high authorities here, before arbitration, declared publicly that if arbitration resulted, we should have to pay a considerable sum. It is but fair to remember these things on behalf of Arbitrators to whom our obligations are admitted for having undertaken a case of such interest to us both. But suppose it is true that we have to pay more than a temperate, or perhaps I should rather say exact, view of our conduct would have awarded. At any rate, that excess is one which, although it tells against us for the moment, will tell in our favour in the long run. The interest of this country is in the strictness of the Code,

not in its relaxation, and it is highly for our interest that the obligations of neutrals in regard to the escape of cruisers from their ports should be highly estimated, strictly defined, and rigidly enforced. We should, therefore, remember that whatever may be considered the undue strictness of this judgment—if there be undue strictness—it is certainly a fault not likely to be injurious to us, but the contrary, in the long run. But we must look a little higher than the precise question whether the Arbitrators exactly hit the mark. They accompanied their Judgment with a multitude of propositions which have become the subject of debate, but these are in our view the preamble of the sentence, and have no relation to the general law on the subject. The hon. Gentleman will not, I am sure, forget that if we look beyond the mere question of success and failure, there are important deductions to be borne in mind. Suppose the position of the two countries with respect to the Indirect Claims were reversed, and that the hon. Gentleman, instead of being, as he is, a patriotic Member of the House of Commons, was a patriotic Member of the American Congress. What would he have thought of the position of his own Government with respect to those Indirect Claims? Because he will bear in mind that the Indirect Claims were not waived. They were excluded, and therefore repelled not on the merits, but on principle, by the Arbitrators. I am endeavouring to find some soothing consideration for the hon. Gentleman. He will have the satisfaction of bearing in mind, also, that although we are going to pay a large sum, it is not the sum asked for by the Government of America at Geneva. Well, that is some consolation. The damages claimed were between £8,000,000 and £9,000,000, the damages given were between £3,000,000 and £4,000,000, a large sum certainly; but instead of voting \$40,000,000 the hon. Member will have to vote only \$15,000,000. In our view, whether in that respect the judgment is a right or accurate judgment, or whether some considerations may not have been pressed against us beyond what exactitude would warrant—that, in our view, is a very small matter. It is a small matter compared with the cost of war; it is a small matter compared with the value of the

goodwill and the improved and peaceful relations subsisting, and happily likely to subsist, between this country and America. I have heard the criticism of my hon. Friend behind me upon the Government of America, and we are told that that Government is not in the right hands. Well, there are a great number of people who think that the Government of England is not in right hands. We ought not to rest the case too much upon criticisms of that sort. It is not easy to understand the entire spirit of the institutions of a country, and unless we do, criticisms upon particular features of them are apt to mislead. If it be true that there are many of the most illustrious citizens of America who do not hold public offices of responsibility; on the other hand, it is admittedly true, as we have seen in the case of the Trent and other cases, that the Executive Government in America does enjoy a very considerable independence, and it is, again, a purely vulgar error which prevails on this side of the water, to suppose that the pressure of the mob or the afflation of the moment governs as a matter of course the proceedings of the authorities in America. I believe that to be entirely wrong. I believe in the genial, cordial, good feeling of the bulk of the American people towards this nation, from which it springs. I believe, also, that whatever be the defects of the American institutions—and, of course, they are defective like our own and all others—they will suffice to give such expression to the good feeling of the American people as will powerfully tend to maintain good and cordial relations between the two countries. Sir, it is a great happiness to see this serious and menacing cause of alienation and estrangement, if not of war, removed by a great international arrangement. Naturally, we wished, as Englishmen, to win at Geneva—I did for one—probably all of us did; but any amount of disappointment we may feel at the result is but an inconsiderable deduction for the satisfaction attendant upon an arrangement which removes such causes of difference between two great countries like England and America, and does so much, as I contend, for mankind at large by the example it sets of a peaceful settlement of disputes as a substitute for the bloody arbitrament of war.

MR. CAVENDISH BENTINCK said, it had never been his lot to hear a statement more bewildering and unsatisfactory than that which had just been made by the Prime Minister, and he felt the House was indebted to his hon. Friend the Member for West Norfolk (Mr. G. Bentinck) for his courage in speaking the plain truth upon the Washington Treaty, when the subject was sought to be stifled by the occupants of front benches. Availing himself of this, the legitimate opportunity for a discussion upon the results of the Treaty, and before the usual answer of "You are too late" could be given, he desired to ask the Government and to press for their answer, what were their intentions with regard to the communication of the Three Rules to Foreign Powers? The policy of the Government, was in a state of uncertainty, extremely injurious to the maritime interests of this country; and it was absolutely incumbent upon the Government to announce, without further delay, whether an attempt was to be made to maintain these Rules, or whether they were to be dropped in ignominious silence. He was afraid that in this respect, as well as in all others, the Treaty would prove a failure—as a failure it was admitted to be—by Members of all parties except the occupants of the Treasury bench—and indeed they were by no means strong in any opinion to the contrary. But his main object in troubling the House at that late hour was to argue and maintain that the disasters which had occurred were due to the unconstitutional course pursued by the Government in not submitting this Treaty for the consideration and ratification of Parliament after it had been approved by the Cabinet on behalf of the Crown. A section of the House of whom the hon. Members for Warrington and Kirkcaldy were amongst the exponents, maintained the doctrine that all Treaties should be submitted to Parliament for ratification. He would give no opinion upon these views which, whether right or wrong, did not touch the Treaty of Washington, for this was a Treaty which was, by the leading principles of our constitution, under the control of Parliament, because the Crown, as of strict right, could in no case "engage to pay money" without the authority of the House of Commons. He had ventured to urge this point upon the Government so early as the Address

in answer to the Queen's Speech last Session, when the First Minister admitting his (Mr. Bentinck's) case, urged that the Government—

"In concluding the Treaty on their own responsibility, had a right to assume that Parliament as well as the country approved the general principle of a reference of these unfortunate differences to impartial arbitration."

But granting the right hon. Gentleman's argument, it failed to meet his (Mr. Bentinck's) objection, which applied, not to the general principle of arbitration, but to the particular principles established by this Treaty. The policy of the Government had been unconstitutional at the commencement, and unhappy and unfortunate in its termination, and was carried on, moreover, in distinct violation of all precedents, for it had never been assumed by the Crown in any similar case that Parliament would, as a matter of course, vote the money. He would cite two instances only in support of his argument. In 1815, when the Treaty by which the Russo-Dutch loan was guaranteed in pursuance of the Treaty of Vienna, an article expressly provided that the King would "engage to recommend to his Parliament" to pay the money. In 1857, when the Baltic Sound dues were altered, an article in the Treaty again provided that Her Majesty "engaged to recommend to her Parliament to pay;" and during the Session of that year a Resolution was submitted to the House by the Chancellor of the Exchequer for effectuating the provisions of the Treaty, and carried after no small opposition by the late Mr. Williams and other hon. Members below the gangway. If, in like manner, the Treaty of Washington had been constitutionally dealt with, Parliament would have jealously guarded the interests of the country, and advantageous results would have followed—the Three Rules would have been repudiated, we should have saved the Island of St. Juan, and what was of more importance, we should have obtained an impartial and efficient Arbitration. He could conceive no greater want of due diligence on the part of the Government than their assent to the nomination of the three independent Arbitrators who sat at Geneva. He would not for a moment cast any imputation upon them—he believed them to have discharged their duties with honesty, honour, and impartiality—

but they were unfitted for their office by want of sufficient acquaintance with English law and the English language. The Prime Minister had that evening proved the case against himself when he admitted that the judgment of the majority of the Arbitrators was formed independently of the Three Rules, for it was a matter of common notoriety that according to English law we could not have been held liable for a shilling, unless for the retrospective action of these Rules, and this was the ground upon which the Lord Chief Justice decided the single case of the *Alabama* against us. And yet, notwithstanding these considerations, the right hon. Gentleman said the Rules had no operation, and that whether adopted or not, we should still have had to pay the money. Was there ever a conclusion so preposterous? Had Parliament obtained its due control, care would have been taken to nominate efficient Arbitrators, and the ordinary rule of a fair arbitration would have been followed by the appointment of an Umpire upon the well-known principle, "no umpire no arbitration," and thus additional security for a right decision would have been obtained. Allusion had been made to the professional career of the hon. Member for East Sussex (Mr. Gregory). He (Mr. Bentinck) would plainly say, that if that hon. Member, or any other solicitor, had in a private case submitted a similar question to similar arbitrators, he would have been open to the charge of simple idiocy, if not indeed to a charge of a more serious nature. The real secret of the transaction was that the Treaty and Arbitration were the creatures of political exigency — that they were adopted by the Government in the erroneous belief that the exploded doctrines of the late Mr. Cobden and of the right hon. Member for Birmingham (Mr. Bright) still had hold upon the country. Therefore they were determined to secure peace at any price, no matter how ignominious the conditions. The truth of this view was established by the speech of his right hon. Friend the Member for North Devon (Sir Stafford Northcote), who had with frankness and even simplicity, admitted that evening that he and his Colleagues sat, as High Commissioners, at the end of a telegraph wire, and that they derived all their inspirations from the Go-

vernment, to one effect only—"Sign the Treaty whatever the terms imposed." He (Mr. Bentinck) was quite satisfied that the true opinion of the House, and the true opinion of the country, were adverse to the humiliating and un-English policy of the Government; but though their country had, by the machinations of the Manchester school, been degraded to the rank of a third-rate power, insomuch, as had been testified by the hon. Member for Glasgow (Mr. Anderson), that it was almost impossible for a British subject now to obtain relief against injury by a Foreign Power, he hoped and believed there might be better days in store, and that old England would again assert her strength and resume her position, in spite of the enmity and envy of other nations and the incapacity of her Government.

Question put, and agreed to.

Resolution agreed to.

#### RAILWAY AND CANAL TRAFFIC BILL.

(*Mr. Chichester Fortescue, Mr. Childers, Mr. Arthur Peel.*)

[BILL 171.] LORDS' AMENDMENTS.

Lords' Amendments considered.

MR. CHICHESTER FORTESCUE said, that the Amendments made by the Lords in this Bill were merely formal, with one or two exceptions.

First Amendment agreed to.

Page 2, line 40, "after Clause 4, insert Clause (A) (Commissioners not to be interested in Railway or Canal stock)," the next Amendment, read a second time.

MR. W. N. HODGSON proposed, after the Lords Amendments relating to the qualification of Commissioners, to insert words providing that no Commissioner should be in any way interested in, or directly or indirectly carry on any business which would tend to his emolument or profit.

Amendment proposed,

At the end of Clause (A), to add the words "nor shall any such Commissioner be interested in, or directly or indirectly carry on, any trade or business for his own emolument or profit."—(*Mr. Nicholson Hodgson.*)

Question proposed, "That those words be there added."

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Amendment proposed to the said proposed Amendment, to leave out the words "be interested in, or directly or indirectly."

Question, "That the words proposed to be left out stand part of the proposed Amendment," put, and *negatived*.

Amendment proposed to the said proposed Amendment, after the words "carry on," to insert the words "or exercise."—(*Mr. Gregory*.)

Question, "That those words be there inserted," put, and *agreed to*.

Question proposed, "That the words 'nor shall any such Commissioner carry on or exercise any trade or business for his own emolument or profit,' be added to Clause (A)."

MR. CHICHESTER FORTESCUE admitted that the feeling of the House was in favour of some limitation of the kind, but he was not prepared off-hand to accept this particular form of words. He would, therefore, promise to consider the subject, but for that purpose it would be necessary to postpone the further consideration of the Lords' Amendments.

Amendment, as amended, by leave, *withdrawn*.

Further Consideration of Lords Amendments *deferred till Thursday 12th June*.

JURIES (IRELAND) BILL.—[BILL 166.]  
(*The Marquess of Hartington, Mr. Secretary Bruce*.)

#### SECOND READING.

Order for Second Reading read.

THE MARQUESS OF HARTINGTON, in moving that the Bill be now read a second time said, its object was to carry out the recommendation of the Select Committee, by raising the qualification of special and common jurors in Ireland. The measure was only a temporary one, and would in no way interfere with the power of Parliament to deal with the whole subject on some future occasion.

Motion *agreed to*.

Bill read a second time, and *committed for To-morrow at Two of the Clock*.

BLACKWATER BRIDGE [COMPOSITION OF DEBT] BILL—and  
BLACKWATER BRIDGE BILL.

Resolution [May 23] *reported*;  
"That it is expedient to authorise the Commissioners of the Treasury further to reduce the

Composition for the public debt due by the Commissioners of the Bridge across the River Blackwater, near the town of Youghal, in the county of Cork, and to make provision for transferring the said Bridge to the Grand Juries of the counties of Cork and Waterford."

Resolution *agreed to*:—Bills *ordered*—Blackwater Bridge (Compensation of Debt)—to be brought in by Mr. BAXTER, and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented*, and read the first time. [Bill 177.]  
And—Blackwater Bridge—by Mr. MONTAGUE GUEST and Sir JOHN ESMONDE.

Bill *presented*, and read the first time. [Bill 176.]

House adjourned at  
One o'clock.

## HOUSE OF LORDS,

*Tuesday, 27th May, 1878.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Register for Parliamentary and Municipal Electors \* (133); Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* (134).

*Second Reading*—*Referred to Select Committee*—Colonial Church (118).

*Committee*—Metropolitan Tramways Provisional Orders (No. 2) \* (114).

*Committee—Report*—(£12,000,000) Consolidated Fund \*.

*Report*—Tramways Provisional Orders Confirmation \* (92).

*Third Reading*—Local Government Board (Ireland) Provisional Order Confirmation \* (115), and *passed*.

COLONIAL CHURCH BILL [H.L.]—(No. 118)  
(*The Lord Blackford*.)

#### SECOND READING.

Order of the Day for the Second Reading, read.

LORD BLACKFORD, in moving that the Bill be now read a second time said, the colonial Church was suffering under two grievances—one might be called the Episcopal, the other the clerical grievance. With regard to the former, the Crown had by Letters Patent created colonial bishoprics, giving to the Bishops and their successors a corporate character and diocesan jurisdiction, and it had continued these corporations, as vacancies occurred, by similar Letters Patent. The Judicial Committee had decided in the Natal case that where independent Legislatures have existed the Crown had had no power of giving this jurisdiction, and the Crown had in consequence discontinued the issue of Letters

Patent, not only in these but in all other cases. The consequence was, that the legal mode of continuing these corporations being no more, the corporations themselves would come to an end, and the endowments of the bishoprics would be left without any legal owners. The Bill enabled the Crown to remedy this injustice, by enabling the future elected Bishops to succeed to the endowments of the patented Bishops. This was to be done on application of the clergy and laity of the diocese, made through the Bishop, with sufficient notice to objectors—important objections to be referred to a committee of the Privy Council. The clerical grievance arose under an Act of 59 *Geo. III.*, which declared that a clergyman ordained by a colonial Bishop, not having jurisdiction or not residing in his diocese, should not be thereby made capable—

“in any way or on any pretence whatever of holding preferment in her Majesty’s dominions, or of officiating in any place or in any manner as minister of the Established Church of England and Ireland.”

As re-ordination was out of the question, an ordination which qualified disqualified; and this clause inflicted a permanent incapacity on those whom it struck. It struck clergy ordained by Bishops declared by the Natal judgment to have no jurisdiction; and it further struck all clergy ordained by colonial Bishops hereafter appointed, who in the absence of Letters Patent would have no jurisdiction cognizable by law—except so far as that jurisdiction was accidentally supplied, if it ever was or could be supplied, by colonial legislation. It therefore incapacitated in this sweeping and stringent way a large, an increasing, and, what was almost worse, an unascertainable body of colonial clergymen. This grievance might be removed by little more than a prospective and retrospective repeal of the statute which inflicted it. But to do no more than this would merely be to add a patch to a piece of patchwork alike unjust and confused, which would bear no more mending [to show this the noble Lord read a short summary of the results of the existing law,] and which might be reduced to order by a single firm touch of common sense. Ordination was a ceremonial condition of ecclesiastical employment, which could not be better or worse like education, but was either absolutely

good or absolutely bad. Why then should they inquire what Bishop ordained a clergyman more than what Vice-Chancellor conferred his doctor’s degree. The reason was obvious. The English Church had practically no check on ecclesiastical appointments. Any man might buy a living, present a friend or himself to it, and force the Bishop to institute him, however notoriously unfit, unless that unfitness could be proved to the satisfaction of a Court of Law. But proof of this kind might, in the most scandalous cases, be wholly unattainable. How was it then that the appointments were so miraculously inoffensive as they were? Partly owing to the conscience of patrons, partly owing to the general poverty of the incumbencies, but mainly because the Bishops, though they had no substantial check on appointments, had an absolute discretion in giving or refusing ordination, and so a most effectual check on the obtaining a qualification for employment, and because the mode of appointing the English Bishops and their responsibility to each other and to the public opinion of the English Church were such as to ensure a wholesome vigilance in the exercise of that discretion. But these securities only exist in the case of ordination by English Diocesans. In all other cases what was wanted, and all that was wanted, was to enable the English Diocesan to exercise, on the occasion of appointment, that discretion which he had not had the opportunity of exercising on occasion of ordination. And this would be effected by applying to all cases alike the principle already adopted by Parliament in the Scottish Episcopal Church Act. This the Bill did with a modification which had been considered requisite by those competent to judge. It would be observed that the principle on which these restrictions were imposed applied directly to the now disestablished Church of Ireland. He (Lord Blachford) though convinced that this application was in point of reason unavoidable, would have hesitated to submit it to the House, but for the fact that the bulk of the Bishops, as far as he knew, considered it proper, and that those who thought otherwise considered that the question would be properly raised by submitting the Bill in its present shape. As the case stood, he proposed the repeal of a string of statutes enumerated



in the Schedule; and with regard to the capacitating effect of colonial and other ordinations, the substitution of two clauses taken in the main from the Scottish Episcopal Church Act.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Lord Blachford*.)

THE ARCHBISHOP OF CANTERBURY said, the intricate nature of the subject was such that no other person but the noble Lord could have dealt with it and brought it under the attention of their Lordships. The noble Lord was the only man in England who understood the subject, and that was the reason why the Episcopal Bench had handed it over to him to deal with. And he thought the Bishops were fully warranted in imposing the task on the noble Lord, because he believed the noble Lord had had a hand in the establishment of a system which had given rise to the difficulties which the Bill was intended to remove. He (the Archbishop of Canterbury) held in his hand a document, which showed the great addition which had been made during the past quarter of a century or so to the Bishoprics and ecclesiastical property of our colonies. It appeared from this document that in 1841, when the Colonial Bishoprics Fund was first established, there were only 10 Colonial Bishoprics in existence, and that the total number of Colonial and Missionary Bishoprics now was 55; that 30 diocesan and four provincial Synods had been established; and that in seven dioceses the number of clergy had risen from 121 to 509. Their Lordships could therefore see that the question involved did not concern a few persons only, or a small amount of property. He did not think that the intricacies which had been the cause of such embarrassment could be attributed to ecclesiastical legislation. When the extension of the colonial episcopate was begun, it was little expected that Law Officers who had advised the issue of Letters Patent would, a few years afterwards, when they had risen to more elevated posts, decide that those Letters Patent were not worth the paper on which they were written; or that after one Court had, with great distinctness, pronounced them to be valueless, another would declare that they created corporations which could hold property. It seemed to him that there was only one course open to Parliament by which

*Lord Blachford*

what was so justly complained of could be remedied—namely, that of making a clean sweep of the whole of the existing legislation on the subject. That was the course proposed in the Bill of the noble Lord, and although for a long time he (the Archbishop of Canterbury) held an adverse opinion to that, and many colonists were still of that opinion, it had been proved that whatever Government was in power the new system was maintained, and therefore he thought that the best course was to abandon the old policy that had been pursued, and that it should be left to the Churches in the colonies to accommodate themselves in the best way they could to the altered circumstances in which they might find themselves. He had known of clergymen ordained in the colonies officiating in the diocese of London who did so in violation of the law, and who had no idea that they were acting illegally. In the case of these clergymen marriages had at times been celebrated, respecting the legality of which doubts might be raised under the existing state of the law. It was nearly time that this state of things should be remedied. As to the application of the Bill to the Irish Church, while he thought those who were promoting the Bill could scarcely accept the Amendment which he understood was to be moved by a noble Lord, he believed he might say for his most rev. and right rev. Brothers that they would be most desirous to make an exception in favour of the Irish Church if it were possible to do so, because they sympathized with the Bishops and clergy of the Irish Church, and looked upon them as ministers of a sister Church, teaching the same doctrine as was taught by the Church of England, and animated by a similar spirit. With regard to the Protestant Episcopal Church of Scotland, he well understood that some astonishment would be created among the people of Scotland when they found themselves included in a Bill having reference to the colonies; and it might be that they would say they were treated as a portion of the colonial possessions of Great Britain, instead of as part of the United Kingdom. He was quite certain that no indignity was meant, and he hoped that no class of persons in Scotland would look upon it in that light. The fact, he believed, was that it was considered advisable that the Acts to

which this point referred should be repealed. There was another matter to which the noble Lord did not refer, but regarding which Notice of Amendment had been given—namely, the interest of the representatives of persons who had left endowments to the colonial churches. We knew that very little attention had of late been paid to the wishes of pious Founders who were no longer alive, but he hoped these wishes would be attended to in the case of persons still living. On the whole, he could recommend the Bill to the favourable consideration of their Lordships.

THE DUKE OF RICHMOND concurred in what had fallen from the most rev. Prelate with regard to the intricacy of the subject, and how much they were indebted to the noble Lord who had brought it forward for introducing this Bill. The measure was purely of a colonial character. Its title was colonial, and its objects ought to be purely colonial. It was because the noble Lord had gone beyond the real object of the Bill, and proposed to include in its scope Scotland and Ireland, that he felt bound to offer some objection to it. The Bill proposed to remove two great grievances—namely, an episcopal grievance, and a clerical grievance, and those grievances were felt only by the Colonial Bishops and clergy. He should have thought enough had been done with the Irish Church to leave the rest in peace without any Irish disturbance. He confessed he could not see what the grievances of the Colonial Church had to do with the Irish Church. And not satisfied with including the Irish Church, the noble Lord proposed to subject the Protestant Episcopalian Church of Scotland to its provisions also. As a Scottish Episcopalian he objected to being dealt with under such a Bill as this. The Bill would interfere with the *status* of the clergy of the Irish Church, because all of them, except those ordained before the 1st of January, 1871, would be placed on exactly the same footing as the colonial clergy. There would be a similar interference with the *status* of the clergy of the Episcopal Church of Scotland, because the Bill would repeal the 27 & 28 Vict c. 94. The Act now in existence with regard to Scotland was by no means complicated. It was, on the contrary, a very simple measure. It consisted of six clauses, and it gave satisfactory facilities

to do all the Episcopalian Church of Scotland required. He had no objection to deal with the colonial grievances; but it was not necessary that the Church of Scotland should be dealt with in the inconvenient and injurious manner it was proposed to deal with it under this measure. He had no objection to the principle of the Bill as regarded the colonies; but he entirely objected to the Scottish Episcopal Church being introduced into it, and in Committee he would move that nothing therein contained should be taken as applying to the clergy of the Episcopal Church of Scotland.

THE EARL OF BELMORE, in referring to a section in the Irish Church Act of 1870, which provided that all enactments heretofore relating to the United Church of England and Ireland, should be distributive—subject to the provisions of that Act—to show that it reserved the rights of the clergy of that Church so far as related to their *status*, said, he did not object to so much of the Bill as came properly under its title; but he did object to the clause of the Bill which seemed to disqualify the clergy of the Church of Ireland, ordained since the passing of the Irish Church Act, from holding benefices and exercising their spiritual functions in England in the same manner as those ordained before the Act. This, the clause did, by professing to save the rights of the latter, which did not want saving, and so by inference it would put the newly ordained clergy in a worse position than, he contended, they were at present. To make a distinction now would be extremely invidious, and the future clergy of Ireland would stand in the same position as the existing ones so long as the general Synod of Ireland had the good sense not to alter the present form of ordination. If any alteration should be made in that service the position of the clergy might be altered. The Statute of Uniformity forbade any one to hold preferment or administer the Sacrament of the Lord's Supper in the Church of England who had not been ordained according to the English ordinal unless he had "formerly" received episcopal ordination, and this word "formerly" was held by some authorities to refer to ordination previous to the passing of the Act of Uniformity itself, and not to episcopal ordination received by the

clergyman before he came to take the preferment. He much feared that if the Irish Church varied her form of ordination from the English one, her clergy thereafter ordained would find themselves shut out from preferment in England. He intended in Committee to move the exclusion of those provisions of the Bill which referred to the Church of Ireland.

THE EARL OF COURTOWN said, that a proposal was made in the late sittings of the Irish Synod to alter the Ordination Service, but it was rejected. The Archbishop of Dublin brought this Bill under the notice of the Synod, and a Petition to Parliament against the passing of that portion of the Bill which affected the Irish Church was adopted unanimously which he had presented to the House. The separation caused by disestablishment was a political act and was adopted for political reasons, it therefore caused pain to Irish churchmen to see it followed by a Bill which appeared to them one of spiritual pains and penalties. The Irish Church was at present in communion with the Church of England, and hoped to continue so. It was the opinion of eminent lawyers that the Irish Church Act did not affect the position of the Irish clergy in England, and that in fact it was the same as it was before the Irish Church Act was passed. It seemed ungenerous on the part of the promoters of this Bill and the English Church to deal with the Irish clergy in the way proposed, because formerly English clergymen were glad to cross the Channel to accept the Irish Bishoprics, and at one time nearly the whole of the bench of Bishops were Englishmen. He would repeat that the Irish Church was most anxious to remain in close communion with the English Church.

LORD CAIRNS said, that the noble Lord who had charge of the Bill had made out very clearly two grievances; the one in reference to those Bishops in the Colonies who had suffered by reason of certain decisions in the Courts of this country, and the other in reference to clergymen ordained in the Colonies. The Bill was intitled a "Colonial Church Bill," and if it were confined to the Colonies he should not object to it; but he did object to the repeal of Acts which affected the Irish Church. Section 8 of the Bill gave power to the Archbishops

of Canterbury and York to consecrate Bishops for the Colonies and foreign countries without the Royal licence; but the noble Lord could not mean that they would have power of scattering as many Bishops as they liked over Scotland and Ireland. He strongly recommended that the Bill should be referred to a Select Committee.

THE ARCHBISHOP OF YORK said, that, whatever it might mean, it was not intended by the 8th clause to dispense with the licence of the Crown. It was a matter of detail, and could be dealt with in Committee. He thought that the words "elsewhere than in England" were too wide, and might be struck out. He wished to disclaim in the strongest manner anything like hardness or want of sympathy with the Irish Church in her trouble and distress. This was a Bill not of exclusion, but of inclusion; it showed the terms upon which the clergy of all other Churches might come into the English Church. The wish was to put the Bishops in a position to approve of other than English clergymen coming into the English Church. This was a scheme not to repel any, but to welcome all on such conditions as might seem to be reasonable and just.

LORD CAIRNS pointed out that the Irish clergy were under no disability whatever, and that they wished to remain as they were at present.

THE EARL OF KIMBERLEY said, he thought they ought all to be indebted to the noble Lord (Lord Blachford) for his attempt to deal with a complicated and, he was almost going to say, an unintelligible subject. He should be glad—without, of course, pledging himself to details, which could only be properly discussed in Committee—to assist his noble Friend in arriving, if possible, at a satisfactory solution, a result which would probably be furthered if his noble Friend were to accept the advice of the noble and learned Lord opposite (Lord Cairns), and to refer the Bill to a Select Committee.

THE DUKE OF BUCCLEUCH said, that Scotland had been taken by surprise on learning that the Scotch Episcopal Church had been included in the Bill. Such a measure ought to be confined to the Colonial Church, leaving Ireland and Scotland to be dealt with by a separate Bill. He trusted that the Bill would be referred to a Select Committee.

THE BISHOP OF 'WINCHESTER' trusted that the noble Lord (Lord Blachford) would adopt the suggestion that the Bill should be referred to a Committee upstairs. Of the two alternatives suggested, that the Bill should be pared down to a simple enactment of matters affecting the Colonial Church, or that the whole question should be thoroughly considered by a Select Committee, he much preferred the latter course.

THE LORD CHANCELLOR said, that the view which he took of the question as to the consecration of Bishops in England was that if all the Acts referred to in the Bill were out of the way there would still remain the Act of Uniformity, which included within it, in the Ordination service, the consecration of Bishops; and the Book of Common Prayer showed that it was necessary that the Royal mandate should be produced at a particular part of the service. It was, no doubt, a subject which required serious consideration, and therefore he agreed that it ought to be referred to a Select Committee.

LORD BLACHFORD, in reply, said, he would accept the suggestion of the noble and learned Lord.

*Motion agreed to; Bill read 2<sup>d</sup> accordingly, and referred to a Select Committee.*

And, on Thursday, June 12, the Lords following were named of the Committee:—

Abp. Canterbury.	E. Kimberley.
Abp. York.	V. Canterbury.
D. Richmond.	V. Eversley.
M. Salisbury.	Bp. Winchester.
M. Abercorn.	Bp. Lichfield.
E. Doncaster.	L. Brodrick.
E. Belmore.	L. Cairns.
E. Chichester.	L. Hatherley.
E. Grey.	L. Lisgar.
E. Harrowby.	L. Blachford.

LOCAL GOVERNMENT BOARD (IRELAND)  
PROVISIONAL ORDER CONFIRMATION  
(NO. 2) BILL [H.L.]

A Bill to confirm a Provisional Order made by the Local Government Board for Ireland concerning the Local Government of the borough of Belfast—Was presented by The Earl of Bessborough; read 1<sup>st</sup>. (No. 134.)

House adjourned at a quarter before Seven o'clock, to Monday, the 9th of June next, Eleven o'clock.

# HOUSE OF COMMONS,

*Tuesday, 27th May, 1873.*

MINUTES.]—SUPPLY—Resolutions [May 26] reported.

PUBLIC BILLS—First Reading—Marriages Legalization, Saint John's Chapel, Eton \* [179]; Registration of Births and Deaths \* [180].

Committee—Juries (Ireland) \* [166], debate adjourned.

Committee—Report—Conveyancing (Scotland) \* [108-178].

Considered as amended—Registration (Ireland) \* [165].

Third Reading—Thames Embankment (Land) \* [152]; Metropolitan Tramways Provisional Orders \* [172]; Shrewsbury and Harrow Schools Property \* [164], and passed.

The House met at Two of the clock.

## PARLIAMENT—ADJOURNMENT FOR THE WHITSUN RECESS.

On Motion, "That the House at rising adjourn to the 5th June."

MR. T. HUGHES said, he had no objection to offer to the Motion:—on the contrary, he and those who agreed with him, as they saw no chance of defeating the usual Motion for adjournment over the Derby Day in this Parliament, were grateful to the Government for altering the time at which the House ordinarily adjourned for Whitsuntide, so as to comprise the Derby Day in the regular holidays, inasmuch as it relieved them from the humiliation of being parties to voting a special compliment to a national sport which they believed more than any other tended to injure the morals of this country. What he rose for on the present occasion was to call the attention of two right hon. Friends of his on the Treasury bench, whom he saw in their places, to a matter which was intimately connected with the subject before the House—the adjournment over the Derby Day. The House would remember that for the past two years he had introduced a Bill entitled the Betting Bill. It would also be remembered that to a great portion of that Bill considerable objections were urged; but he hoped hon. Members would likewise agree in their recollection that as to one portion of the Bill—namely, that portion of it which proposed to extend the Betting Houses Act of 1853 to Scotland—there had been an unanimous consent on the part of the House. In support of that

proposal, he had produced to the House Petitions from a number of persons charged with the administration of the Criminal Law in Scotland, and amongst others there was a remarkable Petition from the Board of Police of Glasgow, signed "J. W. Watson, Lord Provost." That Petition stated that the provisions of the Betting Houses Act of 1853 were by this Bill proposed to be extended to Scotland, and that if so extended, the duty of enforcing them would fall on the petitioners. The Petition went on to say the Act had been of great service in England and Ireland, but, so far as Scotland was concerned, it had resulted in the establishment of a number of houses in Glasgow, and other towns, for doing precisely that which by the Act was forbidden to be done in England and Ireland. As he had said, the opinion of the House was quite unanimous as to the expediency of extending the provisions of that Act to Scotland, but he was, nevertheless, unable to carry his Bill through last year. He must confess, however, that from what fell from his right hon. Friend the Home Secretary, and also from what passed between himself and his right hon. Friend the Lord Advocate, the impression was left upon his mind that they were decidedly in favour of the proposal to extend the Act to Scotland, and that either one or the other of them would have undertaken to introduce a Bill for that purpose in the course of the present Session. He now, however, found himself in this unfortunate position—his right hon. Friend the Home Secretary had his hands so full that he could not undertake to deal with the matter this Session; and his right hon. Friend the Lord Advocate had quite forgotten that he gave any promise—or rather he had forgotten that any such idea ever came into his head as that he was to propose the extension of the Betting Houses Act to Scotland during the present Session. He really trusted, however, that one or other of his right hon. Friends would even yet give the House some assurance that this would be done. The need for it was as great as ever. In proof of this he would mention that as he came down to the House he had made a very bad investment of 1½d. in the purchase of *The Sportsman*, one of the popular racing journals, and he found in that journal advertisements relating to no less than

11 houses in Glasgow which were kept up by Englishmen for the very purpose of fostering a system which the Betting Act was passed to put down in the rest of the United Kingdom. This, he said, was a most unblushing and shameful proceeding. No doubt it was a very difficult thing to deal with this matter. There were a great number of persons who, taking a common-sense view of this matter said, it was quite impossible to prevent this curse of betting by Act of Parliament. He was quite prepared to agree to that position. No doubt betting could not be put down by law. There was a very notorious person who was employing the time of three of Her Majesty's Judges in the neighbourhood of that House, and who was said to have used the celebrated phrase—"There's some folks has plenty money and no brains, and some folks has plenty brains and no money." He quite agreed with the conclusion to which that saying pointed. As Mr. Biglow said—

"The right to be a cussed fool  
Is free from all devices human,  
And common, as a general rule,  
To every crittur born of woman."

There always would be plenty of fools in this country, and plenty of rogues to pluck them; but he contended that it was the business of the House not to put special facilities in the way of rogues, and therefore he thought it was only for the credit of the House that some step should be taken immediately to extend the Betting Houses Act to Scotland. At that period of the Session it would be perfectly futile for any private Member to undertake such a duty, or otherwise he would himself take up that portion of the question by re-introducing that part of his Bill which contained the necessary clauses; but, under the circumstances, he did appeal to the Government to do this, and so to wipe away this scandal from the country.

THE LORD ADVOCATE hoped the House would permit him to say that his hon. Friend had rather misapprehended what at least he intended to say to him in conversation yesterday. It was merely this—that he (the Lord Advocate) had no recollection whatever of the conversation which he stated had taken place between them in the course of last Session. But if he had said on that occasion that he was not aware of any distinction between England and

*Mr. T. Hughes*

Scotland which would make a law which the House thought good for England objectionable in regard to Scotland, he expressed exactly the impression he entertained at that moment. But if his hon. Friend (Mr. T. Hughes) was right in saying that a measure which merely proposed to extend the English Act to Scotland would meet with no opposition, it appeared to him that such a measure would be as likely to succeed in the hands of a private Member as in the hands of the Government.

Mr. MILLER hoped the Government would see its way to bring in a measure to extend the Betting Houses Act to Scotland. It would be a very short affair in their hands, but it might be a very long and tedious one in the hands of a private Member. It was a great grievance to the people of Scotland to be afflicted in the way they were by these betting-men coming down from England and from all quarters to carry out their schemes.

Mr. GORDON also hoped a Bill would be brought in by the Government, for he did not see any hope of a private Member carrying such a measure. There was no doubt it would meet with some opposition, and if it met with any opposition at all, a private Member would in that case be utterly helpless.

Mr. BRUCE said, the state of the case was this—the Government did introduce a Bill on the subject, which met with very considerable opposition, and the hon. Member for York (Mr. J. Lowther) then stated that he would move at the commencement of this Session for a Select Committee to enquire into the whole subject with a view to legislation. He had no doubt that a Bill amending the present Act and dealing in a satisfactory manner with this subject would require a good deal of time for discussion, and it could only be introduced with the chance of being carried on condition that some other measure of the Government was laid aside. For that the Government was not prepared. On the other hand, a measure extending the Betting Houses Act to Scotland would, as his hon. Friend said, meet with no opposition at all; and if it met with no opposition, the rule relating to Opposed Business not being taken after half-past 12 would not apply, and therefore in the hands of a private Member it would be just as likely to come to a satisfactory

issue as if it were in the hands of a Member of the Government.

LORD ELOCHO asked what Business would be taken after Whitsuntide, and when the Army Estimates would be discussed?

Mr. GLADSTONE said, the Bills put down for Thursday week were not, perhaps, of special interest to the mass of the House. They included the Merchant Shipping Bill and the Juries Bill. On the following Monday the second reading of the Judicature Bill would be taken, and on the succeeding Thursday the Committee on the Bills of his right hon. Friend (Mr. Stansfeld) would be proceeded with. The Government proposed to begin with those Bills on the previous Tuesday morning, and they would go on, in all probability, continuously through the week.

House at rising to adjourn till *Thursday* the 5th day of June next.—(Mr. Gladstone.)

#### VISIT OF THE SHAH OF PERSIA.

##### QUESTION.

Mr. DENISON asked the First Lord of the Treasury, In what manner it is proposed to mark the national sense of the importance of the visit of the Shah of Persia to Great Britain?

Mr. GLADSTONE: Sir, the hon. Member will understand that I have had no time since his Notice was given to institute the inquiries necessary for a detailed reply to his Question. The day on which we are apprised that the Shah of Persia will probably arrive in this country is the 18th of June, and in the interval all proper arrangements will be made. Her Majesty's Government have a deep sense of the interest attached to the visit of that Eastern Potentate to the countries of the West, and they have every desire to show their sense of that interest. The Shah has been invited to be the guest of Her Majesty, and will be received at Buckingham Palace, and the hon. Member may rely upon it that full consideration will be given to what should be done during the period of his stay.

#### METROPOLIS—STREET TRAFFIC REGULATION—HYDE PARK—QUESTION.

Mr. HERBERT asked the First Commissioner of Works, If his attention has been called to the almost total stoppage

of traffic in some of the streets approaching Hyde Park on last Saturday afternoon; whether, considering the crowded state of Piccadilly, Grosvenor Place, and Hyde Park during the season, he would take into his consideration the desirability of throwing open Constitution Hill to the public for carriage and cab traffic; and, whether experience has shown that any inconvenience has resulted from opening the road in St. James's Park, opposite Buckingham Palace, for a like purpose, or the road opposite the Horse Guards for Members of the House of Commons?

MR. AYRTON, in reply, said, that his attention had not been called to the state of the traffic on Saturday afternoon, but he had experienced, in common with other people, the great inconvenience that resulted from the stoppage of traffic at the point to which the hon. Member referred in his Question. It was no doubt a very serious inconvenience, not merely to the general traffic of Piccadilly, but to any persons who happened to be passing on foot. At the same time, it was to be remarked that this stoppage arose from the happy condition of a great number of the inhabitants of the wealthy parish of St. George's, Hanover Square, who, at certain periods of the day, enjoyed themselves and afforded great delight to other persons in looking at the equipages in which they drove to the Park. That being the case, it was peculiarly incumbent upon the local authorities of that parish to make proper arrangements, as far as they had any connection with those forming the wealthy inhabitants of the district, and it was also incumbent upon the Metropolitan Board of Works, if they thought the subject was one of magnitude, to take it into their consideration in order to see what could be done; and if they could not carry out what was necessary without the assistance of Her Majesty's Government, then to make proper representations on the subject to himself (Mr. Ayrton), so far as they might relate to any property in his charge. The property in Constitution Hill was not in his charge as regarded its enjoyment. It was in the enjoyment of His Royal Highness the Ranger, who was the proper person, subject to the control of Her Majesty's Government, to regulate the Park. The local authorities ought to communicate with him on

*Mr. Herbert*

the subject if they found the resident inhabitants of their districts were suffering great inconvenience, or the public at large. When they did that he (Mr. Ayrton) had no doubt that the representations would be properly received and duly considered. But in regard to the third Question, he was not aware that any inconvenience had resulted from opening the road in St. James's Park, or the road opposite the Horse Guards, for Members of the House of Commons.

#### CENTRAL ASIA—RUSSIAN MAP.

##### QUESTION.

MR. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether he is aware that a Copy of the Russian Map mentioned in "*Ocean Highways*," page 79, referred to in a question on the 15th of May, is in the Library of the United Service Institution, and that it shows a green line which marks the Russian Frontier as extending to the south of Merv?

VISCOUNT ENFIELD: Sir, although I have the honour of being a Member of the United Service Institution, I cannot undertake to say whether a Copy of the Russian Map mentioned in the *Ocean Highways* is in the Library of that building or no; but, with all respect to the hon. Member, I must remind him that this work is not an official publication, and that our Foreign Office can hardly be held to be responsible for its maps or contents. I think, however, there must be some misapprehension in the matter, as in the maps I have seen the line extending to the south of Merv marks, not the Russian Frontier, but that of Afghanistan.

#### GENEVA ARBITRATION — PRESENTATION TO THE ARBITRATORS.

##### QUESTIONS.

SIR THOMAS BATESON asked the First Lord of the Treasury, Whether it is the intention of the Government to propose a Vote for the purchase of plate or other testimonial to be presented to the Swiss, Italian, and Brazilian Arbitrators in the Geneva Award; and, if so, whether he will state when that Vote will be proposed?

MR. GLADSTONE: Sir, it is the intention of the Government to propose a Vote for the purpose of defraying the expense of the purchase of plate as pre-

sents or marks of acknowledgment to the three independent Arbitrators—the Swiss, the Italian, and the Brazilian—at Geneva, and that Vote will, of course, come before the House during the present Session. I cannot state at what time it will be proposed; but Notice will of course be given before the opinion of the House is taken upon it.

COLONEL STUART KNOX wished to ask the First Lord of the Treasury, whether any communications had passed between his Government and that of the United States in reference to the testimonial which was proposed to be given to the Arbitrators, for the ratepayers of the United Kingdom had a greater interest in this matter? ["Order."]

MR. GLADSTONE: Yes, there have been communications.

#### CRIMINAL LAW—CHIPPING NORTON MAGISTRATES.—QUESTION.

MR. CORBETT asked the Secretary of State for the Home Department, Whether his attention has been called to a statement in "The Times" newspaper of the 23rd instant, to the effect that sixteen women were on the 21st instant committed to the gaol at Oxford by the magistrates sitting in petty sessions at Chipping Norton in Oxfordshire, some for seven days and some for ten days, with hard labour, on a charge of coercing or interfering to prevent men from going to their work, on the farm of one Mr. Hambridge; and, whether he will cause to be laid upon the Table of the House, a Copy of the depositions or evidence taken by the magistrates in the case, together with a Copy of any record or memorandum of record of the conviction of any one of the said women, and also a Copy of one of the warrants of commitment made out by the officer of the court to be delivered to the governor of the gaol to whose custody the prisoners were committed?

MR. BRUCE, in reply, said, he informed the House yesterday that he had received no communication on this subject either from the magistrates or on behalf of the imprisoned persons, nor had any such communication yet reached the Home Office. He had seen the statements referred to in the Question of the hon. Member with respect to these women, and he had thereupon written a letter to the magistrates which they

would have that day. As to the Papers for which the hon. Gentleman asked, he had not yet seen them; but he did not anticipate there would be any objection to their production if they were moved for. He might, perhaps, be allowed to add that it was a mistake to suppose that the convictions had been made under the Masters and Servants' Act, nor was it so stated in the public Press. They had been made under the Criminal Law Amendment Act, and it had been affirmed that that Act visited with exceptional severity offences committed by the working classes. The fact was, however, that it limited and defined the cases in which the action of masters or workmen could be punished, and was greatly less severe than the previous law. The charge against the women in question was one, he supposed, of intimidation for having proceeded in large numbers and used violent language with the view of preventing workmen from going to their work. Under the Law as it stood previously to the passing of the Act any person who was convicted of preventing a man from working by threats, molestation, or intimidation was punished as for a criminal act; but the Law as it now stood very considerably narrowed the scope of the criminal law, for unless the offence was such as to justify the magistrates in binding the parties to keep the peace, or was "molestation" in one of the forms described in the Act, there could be no conviction.

MR. BOWRING said, he hoped, as the sentence would expire during the Whitsuntide Recess, the attention of the right hon. Gentleman would be directed to the subject.

MR. BRUCE said, it was not his custom to wait until Questions were put to him in that House before taking the necessary action in any matter, after he had received the requisite official information.

#### METROPOLIS—THE THAMES EMBANK- MENT.—QUESTION.

MR. J. G. TALBOT asked the Chairman of the Metropolitan Board of Works, Whether it is true that the Board proposed to dispose of the vacant land in Cannon Row, abutting on the Thames Embankment, for building purposes, thereby preventing the construction of



an approach road from Parliament Street to the Embankment by the Whitehall Club, in continuation of Derby Street?

COLONEL HOGG: Sir, in answer to the Question of my hon. Friend, I beg to state that it is the intention of the Metropolitan Board to dispose of the vacant land to which he refers for building purposes, and as that land is immediately between the Embankment and Derby Street, the construction of an approach to the Embankment from that street will certainly be prevented. The question of the approach referred to has been frequently before the Board; but it has not been thought desirable to undertake the work, for it would greatly diminish the value of their land. The gradients of the existing street are bad; while to make a suitable thoroughfare would necessitate the removal of the whole north side of the street, involving an expenditure, in the Board's opinion, more than the value of the suggested approach would justify.

#### CONVEYANCING (SCOTLAND)

BILL—[BILL 108.]

(*Mr. Secretary Bruce, The Lord Advocate, Mr. Winterbotham.*)

COMMITTEE. [*Progress, 19th May.*]

Bill considered in Committee.

(In the Committee.)

Clauses 10 and 11 agreed to.

Clause 12 (Right of any person to succession as heir may be challenged within ten years).

MR. GORDON moved to leave out "10," and insert "20," the object being to extend the period from 10 to 20 years within which the right of a person to an estate of inheritance in land by succession as heir might be challenged. The Bill proposed not to require any registered title at all. The great safety and security of titles hitherto in Scotland had been that they appeared on the register, and that there was no security in a title which did not so appear. His Amendment was clearly in accordance with the principles regulating the rights of parties in Scotland, and which had given so much security to those rights—namely, that no prescription should count until there was a title on the register, and that the period of prescription should be 20 years in reference to heirs.

*Mr. J. G. Talbot*

Amendment moved, in line 39, to leave out "ten," and insert "twenty."

MR. M'LAREN said, he had heard a good many people, both lawyers and and those who were not lawyers, discuss this matter, and he had not heard one who had not objected to the proposed period of 10 years.

THE LORD ADVOCATE said, he could not consent to the Amendment of the hon. and learned Gentleman. They had heretofore had two periods of prescription in Scotland—one of 40 years applying to the title to the estate, and the other of 20 years, applying to the title of a person to be heir. These were two totally distinct things. The law which provided 40 years' prescription as to title also provided that after 20 years' possession as heir the right of the party as heir could not be disputed. He proposed to preserve the same proportions as at present between the two periods of prescription. The reduction of the prescription of title to an estate to 20 years, and the possession to a faulty title of the heir to 10 years, had been demanded in Scotland with almost perfect unanimity. It should be remembered that the period of 20 years was established at a time when things went much more slowly than at present, and particularly in Scotland. The rapidity with which intelligence flew, the general knowledge which was possessed all over the country as to the ownership of estates, was much greater and more accurate now than formerly, when the safety of the public required that a period of 20 years should elapse before the title could be put beyond all challenge. Now, however, the period might very fairly be reduced to one-half. The Solicitor General for England had informed him that it was proposed, with the general assent of the legal profession in England, to reduce the period of prescription in England from 20 to 10 years; and surely if this were considered sufficient with regard to general prescription in England, a similar period in the case of the right of the heir in Scotland could not be regarded as unsafe.

SIR EDWARD COLEBROOKE thought there was a good deal to be said in favour of shortening the period of prescription where it could be done safely and consistently with the rights of claimants; but he must say that he

could not recognize the distinction which was made—although it had existed so long in Scotland—between title by purchase and title by inheritance. His hon. Friend had done away with the security of the judicial inquiry in the case of inheritance, and consequently he had taken the question entirely out of the category in which the Lord Chancellor had put his Land Transfer Bill. Further, it could not be said that the proposals in the Lord Chancellor's Bill were part of the English law until that Bill had passed both Houses, and he for one questioned whether that House would adopt so short a period of prescription for England as 10 years, unless it were accompanied by a provision for some special inquiry as to the succession to an inheritance.

THE SOLICITOR GENERAL thought it strange that in the course of this discussion so little allusion had been made by hon. Gentlemen who came from the north of the Tweed to a little country called England. He should have imagined that the laws and the experience of England with regard to real estate would have had some little weight with those who were considering changes that were about to be introduced into the Scotch law. What was the experience of England? In ancient times the limitation to claims to land was 60 years; but this period had been found too long. The main object of limiting the period of prescription was to quiet people in their possession of real property, and to prevent unfounded and vexatious claims; and it was found from long experience that the number of successful claims made by persons alleging their titles to estates after the lapse of a considerable period of time was so small that it was not worth while to leave the door of litigation open for so long a term in order that these exceptional claims might be entertained. The result was that in 1834 the period of prescription, or as it is called in England limitation, was cut down from 60 to 20 years; and this alteration of the law had worked so successfully that during the present Session, and as he believed with the approbation of the legal profession and of the public, the Lord Chancellor had introduced a Bill into the other House to shorten the prescription of 20 years to 10 years; and whether the Bill were passed or not, it would afford an indication of what was

the opinion of the great majority of professional men on the subject. Scotland, however, was not invited to go so far as this. At present the Scotch period of prescription was 40 years, and the Bill under consideration only proposed to reduce that to the period which was still the English law, but which it was hoped would be cut down one-half. In Scotland, moreover, there was a register, which did not exist in England, and this gave an additional security to the titles of the people of that country.

MR. GORDON said, it was a mistake to suppose that Scotch lawyers had taken no notice of what happened in England; but the fact was they had found that the system adopted in Scotland was the wisest. This was proved by the circumstance that the Lord Chancellor's Bill proposed to borrow a portion of the Scotch system as to registration, which he considered was essential to the provision of proper facilities for the transfer of land.

Amendment put, and *negatived*.

An Amendment made.

Clause, as amended, *agreed to*.

Clause 13 (Possession to be *prima facie* evidence of heir's right in questions with tenants, &c.)

MR. GORDON said, he thought the present law was well understood, and he submitted that it would be better to leave it on its present footing than to adopt this clause, which was condemned by conveyancers generally.

THE LORD ADVOCATE said, that in his own opinion the law as it at present stood was sufficient; but unfortunately some uncertainty was held to exist, and in a recent important case of disputed succession, tenants had refused to pay their rents pending the dispute. They had been ordered to pay, but he thought it well to make the law certain. He therefore asked for the withdrawal of the Amendment.

MR. CRAUFURD said, that this being merely a declaratory clause, there could be no objection to it.

Amendment *withdrawn*.

Clause *agreed to*, with an Amendment.

Clause 14 (Legal remedies to prevent entry preserved.)

MR. GORDON said, that by the existing law—now declared by the preceding

clause—a man who obtained possession was entitled to draw the rents until his claim was set aside; and then he very often contrived to retain the rents. He thought it essential that power should be given to the Court to deal with such cases, and would therefore move to insert at end of clause, the words—

“And it shall be lawful to any person claiming right as heir to an estate in land to apply to any Court of competent jurisdiction, and such Court may, notwithstanding the completion in the person of another of a title under this Act, regulate from time to time, during the dependence of such question, the possession of such estate, and may allow possession to either or to neither party, as such Court may deem just or expedient, or may otherwise deal with such estate, as regards the interim possession and care and management thereof as if no such title had been made up.”

THE LORD ADVOCATE said, he had had this matter in view in preparing the clause as it stood, and thought he had thereby provided for every case with sufficient safety. The object of precluding the possibility of doubt in this matter was, however, quite sufficient to call for the introduction of some words, but he thought the words proposed by his hon. and learned Friend were not well adapted to obtain the end in view. He should propose to add the following words as better accomplishing the purpose—

“And it shall be lawful for a Court of competent jurisdiction to regulate possession, pending such trial, as such Court shall see just, notwithstanding the completion under this Act of the title of any person as heir.”

MR. GORDON said, he would accept the words of his hon. and learned Friend.

*Amendment withdrawn.*

*Words added.*

*Clause, as amended, agreed to.*

Clause 15 (Recovery of duties and services not being casualties.)

MR. J. HAMILTON moved an Amendment the effect of which was to revest in the superior the estate of property in the event of non-performance by the tenant of his feu-duties.

THE LORD ADVOCATE said, this was rather a technical matter, and it was a process that was not at all common in Scotland, for he never saw such a process during the whole course of his professional experience. He, however, thought it very proper that such a process should be retained, and he would adopt the Amendment with some alterations.

*Mr. Gordon*

MR. M'LAREN said, that this was by no means a matter which never occurred. The Corporation of Edinburgh had about 3,600 of these feu-duties, which produced upwards of £8,000 annually. The value of the small feu-duties consisted in the casualty of a year's rent on death or other change, and to compel the superior to recover these small sums by action before the Sheriff would be virtually to extinguish the right, for the expenses would be greater than the sums recovered. It was therefore absolutely necessary to retain this power.

*Amendment made.*

*Further Amendments made.*

*Clause, as amended, agreed to.*

Clause 16 (Redemption of Casualties.)

MR. GRIEVE moved, in line 35, after “cent” to insert—

“The Sheriff of the county where the land lies shall have power, on application from either party, to fix the value, and his judgment shall be final, and not subject to review.”

He thought this form was rather better than that of which he had given Notice.

THE LORD ADVOCATE said, the provision of the clause was this—in the first place, parties were to have the power to have casualties redeemed on any terms that might be agreed upon. These terms might in some cases be too low, and in others they might be too high; but, as a general rule, they would be fixed by persons of experience in such matters. It was very desirable to avoid litigation and expense, and therefore he did not approve of the Sheriff being brought in. He hoped the hon. Member would be satisfied with the fixing of a casualty and a half as a maximum.

MR. CRAUFURD thought the Amendment worthy of consideration. There were plenty of cases in which there was a feu-duty of a few pounds, and yet in which the real value of the property had through time increased to an enormous amount. One might, for example, have a feu-duty of 5s., and have a house built on the feu worth £20,000. In such a case the superior was not likely to enter into any agreement for the commutation of the duty unless a very large sum were offered in payment. He believed the clause as it stood would not meet the justice of the case, and he suggested that the Lord Advocate should either accept the Amendment of the hon. Member for Greenock, or propose some other

way of putting the provision into harmony with the rest of the clause.

MR. M'LAREN thought the chief objection to the provision was not that stated by the hon. and learned Member (Mr. Craufurd). Whenever it appeared to the feuar that he would have to pay a large sum to be allowed to redeem, his plan would be not to make any offer at all. The real objection, however, as it seemed to him, was this, that no means were provided of obtaining a real valuation. The object of the Bill was to abolish these troublesome casualties, and yet no means were provided for carrying it out. In England the practice was for the Commissioners to form a sort of jury, and try each case on its particular merits. Arrangements for commuting casualties were thus very much facilitated.

THE LORD ADVOCATE said, the clause had been framed as it stood because the option being given to the vassal, it was thought right to give the superior the same. He quite appreciated the remark made by the hon. Member for Edinburgh, that it was advisable that these casualties should be put an end to, and agreed with him that if any other course could be suggested of meeting the difficulty, it would be well worthy of consideration. Hitherto he had not been able to see his way to deal with the matter satisfactorily, but he would renew his attempt, and see if he could not find some means of obtaining the end they all had in view.

Amendment, by leave, *withdrawn*.

Clause *agreed to*, with Amendments.

Clause 17 (Redemption of casualties by a Mid Superior) *agreed to*.

Clauses 18 to 21 *agreed to*, with Amendments.

Clause 22 (Form of Conveyances).

MR. GORDON said, the clause as it stood merely made the registering voluntary, whereas it was of the essence of the thing that it should be made compulsory:—he would therefore move to add at end of clause the words—

“That no deed or conveyance, instrument, or writing, whereby any real burden upon land is assigned, conveyed, or transferred, shall be effectual in competition with third parties unless the same is or shall be recorded in the Register of Sasines in the same manner as any heritable security, and such deed of conveyance, instrument or writing, shall take effect in competition

with third parties only from the date of such registration.”

THE LORD ADVOCATE said, he was prepared to assent to the Amendment with a slight verbal alteration, leaving out the word “conveyance,” so as to bring it into harmony with the rest of the Bill, which only mentioned “instrument or writing.”

Amendment *agreed to*.

Clause *agreed to*.

Clauses 23 to 26 *agreed to*.

Clause 27 (Fees of conquest abolished).

MR. GORDON moved to omit the clause, the effect of which, he said, would be to centre the whole property in one.

MR. M'LAREN said, he was decidedly opposed to this clause, which he considered was against the present policy of Parliament. As he understood this clause, if the middle one of three brothers died intestate, the property would go to the elder brother. He was in favour of division of property, and not of cumulating property, and therefore he objected to this clause.

THE LORD ADVOCATE said, the hon. Member for Edinburgh, not being a lawyer, had overlooked one thing well known to the forensic profession—namely, that it was the eldest son who succeeded to his father's estate and his heritage. There was no distinction with respect to fees of heritage excepting in the succession of a younger son who had not succeeded to his father's estate, and who had a living elder brother. That was the case where the distinction operated. The younger son had succeeded to nothing. It affected a case like this, where a brother, who had a younger and an elder brother still living, and who might have acquired a considerable estate, died. His property, according to the present law would not go to his younger brother, but to his elder brother, who had succeeded to the family estate, and thus the property tended to increase and concentrate in one individual, and not to divide the inheritance. But he objected to the law as it stood; because it was a capricious and unsatisfactory thing to have two modes of legal succession, and to have to inquire in determining who the feuar was, whether the deceased's property was the product of his own industry, or whether he succeeded to it as heir,

giving him one succession in the one case and another succession in the other. But so far as the proposed law would operate, it would be exactly the reverse of that supposed by the hon. Member for Edinburgh.

Clause agreed to.

Clauses 28 to 40 agreed to, with Amendments.

Clause 41 (Certain offices abolished).

On Clause 41, which abolished the offices of Sheriff of Chancery, Sheriff-Clerk, Sheriff-Clerk-Depute, and Macer, of Chancery, and of Presenter of Signatures, and of Clerk to the Presenter of Signatures, and enabled the Commissioners of the Treasury to award full compensation, payable out of moneys voted by Parliament,

THE LORD ADVOCATE moved, in line 42, after "Treasury," to leave out to end of clause, and insert—

"Who shall be empowered to award to each of such officers such compensation as the said Commissioners of Her Majesty's Treasury may deem just and reasonable, having regard to the terms by which such officers respectively hold their appointments, and to the net average amount of the emoluments received by them, and such compensation as may be awarded shall be subject to the provisions of the 20th section of the Act of the 4th and 5th years of the reign of His Majesty King William the Fourth, chapter 24, entitled 'An Act to alter, amend, and consolidate the laws for regulating the pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty's service.'"

MR. WEST feared, in regard to the question of compensation, that the effect of it would be, where given to men in early life, that they would be tempted to remain idle during the remainder of their years. He thought compensation should be given contingent on their being willing to accept certain offices, on the appointment to which the compensation should cease.

MR. TREVELYAN proposed to insert after the words "such compensation," "not exceeding two-thirds of the salary or net emoluments of their respective offices." He denied that the gentlemen who performed the duties of these offices had fulfilled public services to which public pensions were granted. It was quite evident that some of these gentlemen would be superannuated in a time of life in which they could assist themselves by taking business of another description. It was well known there

had been gentlemen performing official duties in Edinburgh who had assisted themselves by their pens to a considerable extent. The largest income ever gained by a literary man was gained under these circumstances.

Amendment proposed to the said proposed Amendment, after the first word "compensation," to insert the words "not exceeding two-thirds of the net average emoluments of their respective offices."—(Mr. Trevelyan.)

MR. CRAUFURD thought the matter might be safely left to the Treasury, who were never very lavish. Scotland paid more than Ireland, and it only got one-fourth of what Ireland got. He was not saying that what Ireland got was right or wrong; but he thought they should think a bit before they tried to cut the compensation down. He referred the hon. Member to the Camperdown Commission, and he asked him after that was he prepared to starve their public officers, who did their work marvellously well? He certainly did not think the Treasury, if let alone, would be guilty of any extravagance.

THE LORD ADVOCATE objected to be bound by any limits, and hoped the Amendment would not be pressed.

MR. MUNTZ thought the allowance of two-thirds sufficient, and believed the hon. Member (Mr. Trevelyan) was right in pressing for a division.

MR. ANDERSON agreed that public servants ought to be paid well, and also agreed that many public servants were not well paid; but this was a question of compensation for the abolition of offices, and came within a totally different category. The principle of allowing two-thirds compensation was a very wholesome one indeed, and he trusted his hon. Friend would press his Amendment.

MR. GORDON said, he knew that Scotch office-holders had considerable reason to complain of the way they were paid, and thought that in justice to Scotland there should be a reconsideration of such matters. He did not put his support of the Lord Advocate's Motion on such a ground, but he believed that in the abolition of offices there should be a considerable amount of discretion given to the Treasury.

MR. CRAUFURD said, it was clearly admitted many officers were underpaid,

*The Lord Advocate*

but this clause did not limit the Treasury in giving what they thought right as compensation.

Question put, "That those words be inserted in the proposed Amendment."

The Committee *divided*:—Ayes 25; Noes 80: Majority 55.

Remaining clauses, and Schedules, amended, and *agreed to*.

Bill *reported*: as amended, to be considered upon *Thursday* 5th June, and to be *printed*. [Bill 178.]

#### JURIES (IRELAND) BILL.—[BILL 166.]

(*The Marquess of Hartington, Mr. Bruce.*)

##### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Debate arising;

And it being ten minutes before Seven of the clock, the Debate was adjourned till *Thursday* 5th June.

The House resumed its sitting at Nine of the clock.

After short time—

Motion made, and Question, "That this House do now adjourn," — (*Mr. Munts.*)—put, and *agreed to*.

House adjourned at Nine o'clock till  
Thursday 5th June.

## HOUSE OF COMMONS,

*Thursday, 5th June, 1873.*

MINUTES.]—NEW MEMBER SWORN—John Charles Dundas, esquire, for Richmond.

PUBLIC BILLS—Ordered—*First Reading*—Fisheries (Ireland) \* [181]; Landed Estates Court (Ireland) (Judges) \* [182]; Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3) \* [183].

*Second Reading*—Local Government Provisional Orders (No. 4) \* [174]; Marriages Legalization, Saint John's Chapel, Eton \* [179].

Committee—Juries [35]—*r.r.*; Law Agents (Scotland) [150]—*r.r.*

Committee—*Report*—Local Government Provisional Orders (Nos. 2 and 3) \* [163 and 169]; Juries (Ireland) \* [166].

Considered as amended—Conveyancing (Scotland) \* [178].

*Third Reading*—Registration (Ireland) \* [165], and *passed*.

VOL. CCXVI. [THIRD SERIES.]

## IRISH CHURCH ACT (1869)—CLAUSE 32. QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, If he can state the number and amount of the applications that have been made under Clause 32 of the Irish Church Act of 1869, to enable owners of land in Ireland charged with payment of tithe rent charge to purchase the same by instalments extending over a period of fifty-two years; and, the number and amount of similar applications that have been made since the Act of 1872, c. 90 (35 and 36 Vic.), enabling the average poor rates and stamp duty to be deducted from the purchase money?

THE MARQUESS OF HARTINGTON, in reply, said, he had obtained the information referred to, but thought it could be more satisfactorily given in the form of a Return; and if the hon. Member moved for it, it would be laid on the Table at once.

## CENSUS OF IRELAND.—QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, In what order the detailed report of the late Census of Ireland will be published, and within what period the whole may be expected to be completed?

THE MARQUESS OF HARTINGTON, in reply, said, he had ascertained from the Census Commissioners that the counties were being published in alphabetical order, beginning with the Province of Leinster, and going on to the Provinces of Munster, Ulster, and Connaught. Seven counties had been printed, and two were passing through the press. The Commissioners expected that the principal work of the Census would be completed about the middle of 1874.

## WORKMEN'S COMPENSATION FOR INJURIES—LEGISLATION.—QUESTION.

MR. HINDE PALMER asked the President of the Board of Trade, When he intends to introduce his promised Bill, comprising provisions for amending the Laws respecting compensation to workmen for injuries sustained in the course of their employment?

MR. CHICHESTER FORTESCUE, in reply, said, he thought the subject referred to in the Question of the hon. and learned Member demanded the at-

tention of the Government and of Parliament, but he did not expect to be able to introduce a measure relating to it during the present Session. He had found it necessary to include in the reference to the Royal Commission on unseaworthy ships all that portion of the subject of the liability of masters for injuries suffered by servants in the course of their employment which related to the sailors of this country, and he hoped they would have the advantage before next Session of possessing the views of the Royal Commission on that large part of the subject.

**MERCHANT SHIPPING ACT AMENDMENT—LEGISLATION—DECK LOADS.**  
QUESTION.

MR. ALDERMAN LUSK (for Mr. GOURLEY) asked the President of the Board of Trade, What steps (if any) he intends adopting for the purpose of re-enacting this Session the law which was repealed in 1862 regulating the carrying of timber deck loads; and, whether, if re-enacted, the prohibition will be extended to deck cargoes other than timber?

MR. CHICHESTER FORTESCUE, in reply, said, the Merchant Shipping Acts Amendment Bill which he had introduced dealt to a certain extent—to as large an extent as he thought it proper to attempt to deal under present circumstances—with the question of overloading; but the special question of deck-loading with timber from America and other countries was not embraced in that measure. That question formed part of the reference to the Royal Commission on merchant ships. When he made his statement on the second reading of the Bill, he would explain that portion of the subject.

**JURIES BILL. [BILL 35.]**

(*Mr. Attorney General, Mr. Solicitor General.*)

**COMMITTEE. [Progress 15th May.]**

Bill considered in Committee.

(In the Committee.)

Clause 5 (Exemptions).

MR. GATHORNE HARDY moved, in line 8, after "schoolmaster," to add "schoolmasters of public schools, professors, and college tutors resident in the Universities to which they belong." Previous to 1870 all graduates of the University of Oxford were exempt by

charter. The exemption was not asked for as a favour to the persons themselves, but to prevent the inconvenience that might arise in the event of a schoolmaster being called away for some days in the discharge of his duties as a jurymen. The privilege was asked for in behalf of those they had to teach.

Amendment proposed,

In page 4, line 8, after the word "schoolmaster," to insert the words "schoolmasters of public schools, professors, and college tutors resident in the Universities to which they belong."—(*Mr. Gathorne Hardy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL said, he did not oppose the Amendment out of disrespect to the persons named, but because the object of the Bill was to narrow exemptions and to bring as many as possible into the net of service, and thereby diminish as far as possible those numberless exemptions which in the sister country had gone to the extent of exempting all the persons most fitted to discharge the duties. On principle he objected to exemptions; but he had been obliged to retain many because he could not help it. He had, however, struck out two. Everyone ought to be liable to serve on a jury, except where it was plainly for the public interest he should not do so—as in the case of doctors.

MR. GATHORNE HARDY said, that the children at the public elementary schools had to earn certain money by attending a certain number of times, and if the masters were taken away to serve on juries the children would be unable to attend the requisite number of times to earn the capitation grant.

MR. SCOURFIELD trusted the Government would re-consider the question of qualification, with a view of fixing a maximum and a minimum sum, and leave any question that might arise to be decided by the local authorities.

THE ATTORNEY GENERAL, while admitting that the question of qualification was deserving of consideration, thought that it would be most inconvenient to narrow the area from which jurymen were obtained by increasing the number of exemptions.

Question put.

The Committee divided:—Ayes 70; Noes 55: Majority 15.

MR. HINDE PALMER moved, in page 4, line 9, after, "officers," to in-

*Mr. Chichester Fortescue*

sert "of both Houses of Parliament." Officers of Courts of Law and Equity were already exempted.

THE ATTORNEY GENERAL said, he would accept the Amendment if the words "during the Session of Parliament" were added.

MR. HINDE PALMER said, he would agree to that Amendment.

MR. CRAUFURD said, that a case might happen in which an officer of the House of Commons might be put upon a jury a week before Parliament met, and the jury continue to sit on.

MR. VERNON HARCOURT, having voted with the majority in the division on the Amendment of his right hon. Friend (Mr. G. Hardy) wished to be consistent; but he really could not see why, if this Amendment were agreed to, the Committee should not also say that Professors and college tutors were to be exempt during term time.

THE ATTORNEY GENERAL said, any Judge would readily excuse such persons on their own application.

Amendment, as amended, *agreed to*.

MR. MUNTZ moved in line 12, at end of line to add "justices of the peace for any county or borough, mayors and town clerks of boroughs," on the ground that, as regarded the borough magistrates, they should not be asked to sit on a jury, and so pronounce judgment upon the very men they might have committed for trial, and also because it would be inconvenient they should be taken from their duties.

THE ATTORNEY GENERAL opposed the Amendment. Justices of the peace were now not exempt by law, and as they were intelligent gentlemen he did not think they ought to be exempt. The same observation applied to the mayors of boroughs. If these exemptions were allowed they would very much lower the character of special juries. Nor did he think the mayors ought to be exempt—the boroughs might get on without them for a few days; and as to the town clerk, if he were an attorney or a solicitor, he was exempt already.

Amendment, by leave, *withdrawn*.

MR. WEST (for Mr. BIRLEY), moved in page 4, line 14, after "same," to insert—

"Members of the council of any municipal borough, and every justice of the peace assigned to keep the peace therein, and the town clerk and treasurer for the time being of every

such borough, so far as relates to any jury summoned to serve in such borough, or in the county where such borough is situate."

This was an existing exemption, and, considering the onerous public duties discharged by those gentlemen, the exemption ought to be continued.

Question proposed, "That those words be there inserted."

MR. LOPES said, that no ground had been laid for the exemption, and there were strong reasons why it should not be granted. The professional or social status was abolished, and a great change had been made in persons called upon to serve on special juries. It was therefore essential that they should not withdraw from them any such individuals as were mentioned in the Amendment.

MR. MUNTZ said, that the members of municipal councils did a great deal of hard work, and serious inconvenience might arise if they were compelled to serve on juries.

MR. GOLDNEY said, the exemption might with equal propriety be extended to members of boards of guardians. They were quite as hard worked as town councillors.

MR. LEEMAN remarked that it was not only the monthly meeting of the town council, but the attendance at committees which should be considered.

MR. WATKIN WILLIAMS believed that no practical inconvenience would arise from making these persons serve on juries, and that if they were withdrawn the result would be greatly to impair the value of this Bill.

THE ATTORNEY GENERAL said, there were two or three counties in which the names of the special jurors had been returned. From the Return, which he admitted was two years old, it appeared there were in Sussex 197 special jurors; in Kent, 400; in Lancashire, 1,450; and in Gloucestershire, 276. He asked the Committee to consider what would be the effect on the special jury list if they were to take out the whole of the town councils of the boroughs in Sussex, and everybody employed in municipal affairs in Lancashire, and the names of the persons proposed to be exempted by this Amendment. He would not deny that it was an invidious thing to stand against such an Amendment as this. He conceded that if it were merely a question of whether these gentlemen were not fully occupied, there was a



great case for them; but if they were to go to every person who was fully occupied, and say that he was therefore exempted from serving on a jury; they would have a class of professional jurymen—people who had nothing to do, and with loose and inaccurate minds—the mere hangers-on of society—the very worst class they could possibly have for special jurors. It was because he desired to keep intelligent men on the jury that he objected to this Amendment.

MR. LEEMAN said, the figures quoted by the Attorney General were likely to mislead. The lists to be composed under this Bill would be very much larger than those at present in force.

MR. ALDERMAN LUSK said, that most of the gentlemen who were giving such good advice to the Government and the Committee in this matter had never served on juries; but he hoped the Attorney General would not make the clause too stringent and allow little latitude.

Question put.

The Committee *divided*:—Ayes 42; Noes 126: Majority 84.

MR. ASSHETON moved, in page 4, line 14, after "public," to insert "or private." The private asylums were licensed and inspected by the magistrates, but they were supported by the friends of the inmates. There were greater reasons for the exemption of the keepers of these private asylums from service as jurors than for the exemption of the keepers of the public institutions. In the larger and public institutions there were many sub-warders having charge in the absence of the principal, but not so in the smaller and more private.

THE ATTORNEY GENERAL said, the keepers of these private asylums were already exempted from serving as jurors, either as physicians or as surgeons.

SIR JOSEPH BAILEY suggested that the best mode of attaining the object would be to strike out the word "public."

THE ATTORNEY GENERAL assented.

Amendment, as amended, *agreed to*.

COLONEL BARTELOT said, that as there were so many exemptions he proposed to make another, by inserting, in

line 24, after "respectively," the words "also members of the Royal College of Veterinary Surgeons actually in practice."

MR. J. LOWTHER said, that veterinary surgeons in some country districts were very scarce, and lived a great many miles apart. If, therefore, the Amendment was not adopted, he did not see how the House could look the Society for the Prevention of Cruelty to Animals in the face.

MR. HENLEY said, he hoped the Government would consider the peculiar position in which the country was now placed with reference to cattle. Heavy penalties were imposed by recent legislation with a view to prevent the spread of disease among cattle, and great risk would be incurred if a veterinary officer were not present to certify that cattle were free from disease. It should be borne in mind that in many districts properly qualified veterinary surgeons were not so plentiful as attorneys or other doctors. If the veterinary officer at a landing place for cattle happened to be absent serving on a jury, were the cattle to be kept on board ship or landed without inspection? Under the circumstances, the Government ought seriously to consider whether it would not be expedient to exempt veterinary surgeons.

MR. WYKEHAM MARTIN said, that during the Assizes last year about 700 sheep and cattle on his own farm were attacked by disease in one week, and the loss he sustained would have been far greater had the veterinary surgeon been called away to serve upon a jury.

MR. SCOURFIELD remarked that, although large numbers of cattle were landed in the county he represented (Pembrokeshire), there was only one properly qualified veterinary surgeon in the whole county.

MR. LOPES said, he thought it unnecessary to make a special exemption in the case of veterinary surgeons, as under Clause 20 the Justices were empowered to revise the jury lists and make such exemptions as they might deem expedient.

THE ATTORNEY GENERAL said, he could see no ground for the exemption asked for. In the case of these gentlemen being engaged in the discharge of public duties, they would be exempted by the magistrates, who would have power under the provisions of the Bill to revise the list. The Bill did not

propose in any way to change the law with regard to the liability of this class of persons to serve, and no instance had been brought forward to show that any inconvenience had resulted from their having to serve.

MR. ASSHETON CROSS pointed out that, although these gentlemen had hitherto been legally bound to serve on juries, the Sheriffs, in the exercise of their common sense, had never summoned them. The present Bill, however, proposed to deprive the Sheriffs of their discretion in the matter.

MR. BRAND said, he thought it was impossible for a man properly to discharge his duty as an Inspector of cattle and a jurymen at the same time.

THE ATTORNEY GENERAL gave way with considerable reluctance; but thought that, after the opinions which had been expressed with regard to it, it would be useless to go to a division on the question.

#### Amendment agreed to.

MR. DILLWYN moved, in page 4, line 25, at end, to insert "general managers of Railway Companies."

THE ATTORNEY GENERAL opposed the Amendment, being of opinion that no sufficient case had been made out for the exemption of railway managers.

MR. LOPES referred to Clause 20 of the Bill, which empowered the Justices to strike off the list the names of those persons whose business engagements were incompatible with their serving on juries.

MR. BOWRING observed that managers of railways appeared always to have sufficient time to attend before Committees upstairs when Railway Bills were being considered. If the Directors of Companies were able thus to spare the managers year after year from their regular avocations when their interests required it, he did not see why they should not serve on juries.

MR. LEEMAN supported the Amendment. Under Clause 20 the lists would only come before the magistrates for revision once a year.

SIR HENRY SELWIN-IBBETSON supported the Amendment on the ground that the whole of the work on the railways depended on the constant attention of managers, and their absence might lead to mismanagement and accidents.

THE SOLICITOR GENERAL remarked that the same arguments would

apply to managers of mines and other responsible positions. Railway managers were absent from their duties through the ordinary accidents of life and attendance before Parliamentary Committees, when their places were efficiently supplied by deputies.

#### Amendment negatived.

MR. CRAWFORD moved, in page 4, after line 25, to insert "the Governor and Deputy Governor of the Bank of England," with a view to their exemption. He had known three gentlemen fill these offices who during four years were not absent for a single day. He did not, however, ground the Amendment on their Bank duties, but on their duties with regard to the State. They were Commissioners of the National Debt, and he would appeal to Gentlemen who had been Chancellors of the Exchequer whether at times they did not require immediate communication with the Governor and Deputy Governor, and whether delay would not be to the public detriment?

#### Amendment proposed,

In page 4, line 25, after the word "service," to insert the words "the Governor and Deputy Governor of the Bank of England." — (Mr. Crawford.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL said, that as the exemption was only for two persons serving a period of four years, it was hardly worth while to oppose it.

MR. ANDERSON said, he was disappointed at this concession on the part of the Government. He objected to an exemption which would benefit the shareholders of the Bank, and believed it would have been to the public advantage if these gentlemen had been drafted away yesterday to serve on juries.

MR. CRAWFORD said, the Amendment was based solely on the public duties of the Governor and Deputy Governor.

#### Question put.

The Committee divided: — Ayes 88; Noes 57: Majority 31.

MR. VERNON HARCOURT said, he thought that in accordance with the proposition of the Government in the case of officers of the House, that the exemption should not exist during the recess of Parliament, it would be proper

to add to the exemption now granted that it should not operate during bank holidays, so as to make it consistent and sensible in every respect. He moved that the words "except on bank holidays" be added.

MR. CRAWFORD said, he thought the remarks of the hon. and learned Gentleman were really beneath himself. He was turning a serious proposal into ridicule. The Governor and Deputy Governor might be employed on public duty during bank holidays.

*Amendment negatived.*

MR. RATHBONE moved, after line 27, to insert "the members of the Mersey Docks and Harbour Board." The Masters and Wardens of the Trinity House, who were exempt, were well paid, while the members of the Mersey Docks Board discharged important duties without remuneration.

MR. T. E. SMITH said, that in the event of this exemption being allowed he should move to exempt the River Commissioners of the Tyne and Wear.

MR. GOLDSMID, with reference to the exemption of the Governor and Deputy Governor of the Bank of England, said, they were only two members of the Board, and he understood they were not present at all the meetings.

MR. CRAWFORD said, that there were acts which only the Governor and Deputy Governor could discharge. During four years he had not been absent for a single day, except on one or two occasions from ill-health.

THE ATTORNEY GENERAL said, that a great deal might be urged in favour of this Amendment; but if this exemption were permitted every public body having a great deal of business to discharge might put forward the same claim. The Master and Wardens of the Trinity House were exempted because they had special jury work of their own to discharge in the Admiralty Court. He (the Attorney General) was very unfortunate—because if he did not give way, he was called obstinate; and if he did, he was called weak. In this instance he must stand firm.

MR. MACFIE said, that the Mersey Docks and Harbour Board was the largest trust in the world, and the members administered gratuitously a property worth £20,000,000, which was every year increasing in value.

*Amendment negatived.*

*Mr. Vernon Harcourt*

MR. ALDERMAN W. LAWRENCE moved, in page 4, line 41, after "officers," to insert "Commissioners of Income Tax," a body of men not, he believed, the most popular in the kingdom. They performed a public duty, which they undertook under Act of Parliament. The proposal was no new one, as they were exempted by the Act 34 & 35 *Vict.* c. 103. He had no doubt the Attorney General would accede to the Amendment.

THE ATTORNEY GENERAL said, he was sorry to disappoint his hon. Friend's expectations. He had considered the Amendment, but felt that there was not sufficient reason for the exemption.

MR. CRAWFORD said, that before being elected as a Member of that House he had been exempted from serving on juries as Commissioner of Income Tax; but if at any future time he should cease to be a Member of that Assembly he had no objection to the liability.

SIR JOHN HAY said, he had placed on the Paper a somewhat similar Amendment. The Commissioners of Income Tax were by the Act of 1870 liable to serve on juries; but so much inconvenience was found to result that a special Act was brought in to exempt them.

MR. COLLINS said, that the offer of the hon. Member for the City of London (Mr. Crawford) was one which did not deserve much gratitude, because in all probability the hon. Gentleman, before ceasing to be a Member of that House, would be exempt on account of his age under another clause.

*Amendment negatived.*

MR. ALDERMAN W. LAWRENCE next moved to exempt Aldermen of London, who, he contended, ought in that respect to be placed in the same position as stipendiary magistrates and officers of the Courts. The Aldermen had many duties to perform, and they might be summoned to serve on a jury at the same time that they were called upon to serve as magistrates at the Central Criminal Court.

Amendment proposed, in page 4, line 42, after the word "magistrates," to insert the words "Aldermen of London." —(*Mr. Alderman W. Lawrence.*)

Question proposed, "That those words be there inserted."

MR. JAMES said, he thought it would be very advantageous to every class of

the public that Aldermen should sit upon juries. There were good Aldermen and bad Aldermen. The good Aldermen found their way into the House of Commons, and were, therefore, exempt from serving upon juries. As regarded bad Aldermen, it was desirable that by serving on juries they should obtain some acquaintance with their jurisprudence. The six Aldermen who were in the House of Commons might very well take the duties of such of their Colleagues as were compelled to serve on juries.

MR. R. N. FOWLER said, he thought that, considering the various ways in which the Aldermen of London served their fellow-citizens, it would be only fair to exempt them from liability to serve on juries.

MR. CRAWFORD pointed out that the Aldermen were Commissioners of the Central Criminal Court, and that unless the Amendment were acceded to it might happen that an Alderman might be summoned to serve on a jury before the Court of which he was a member.

MR. ALDERMAN LUSK believed that the employment of Aldermen on juries would seriously interfere with the business of the London Police Courts and the Central Criminal Court, in fact they were Judges in the latter Court.

THE ATTORNEY GENERAL said, he did not himself see any very good reason why the Aldermen of London should be exempted. He believed, however, that they could claim exemption under the 5th clause of the Bill. He had once argued this question in "another place" upon the point of the constitution of the Central Criminal Court, and he believed it was decided that the presence of Aldermen there during the trials was essential, and that the trials could not go on legally without them. His own impression was that they would come within the definition of Judges, and upon that ground he objected to the Amendment as unnecessary.

MR. ALDERMAN W. LAWRENCE insisted that the Amendment was necessary, not only for the Aldermen, but for the officials and clerks of their Courts.

MR. ALDERMAN LUSK said, he thought that the hon. and learned Member for Taunton (Mr. James) ought to remember that Aldermen performed their duties in Court gratuitously, while attorneys and counsel were well paid, and therefore he should not be so hard on them.

MR. J. S. HARDY was of opinion that the Attorney General's interpretation of the words quoted by him as to Judges presiding at any trial to be decided by a jury would wholly exempt all magistrates sitting at Quarter Sessions from serving on juries.

THE ATTORNEY GENERAL said, the exemption would apply to the Chairmen of Quarter Sessions only.

MR. ALDERMAN W. LAWRENCE observed that the Aldermen of the City of London were members of the Commission under which prisoners were tried at the Central Criminal Court.

MR. ALDERMAN LUSK said, that without the presence of an Alderman the Court could not be constituted. The Lord Mayor was head of the Commission.

MR. JAMES said, it was very desirable that this matter should be made clear, and gave Notice that at a later stage he would move that the clause should not apply to the Aldermen of London, except to those sitting as members of the Central Criminal Court.

Question put.

The Committee *divided*:—Ayes 17; Noes 81: Majority 64.

MR. OSBORNE MORGAN (for Mr. OWEN STANLEY) moved, in page 4, line 44, after "Members of the Executive Government," to insert "Any person who can neither understand, read, or write the English language." It was a common thing in Wales to summon jurors who could not understand the evidence of English witnesses, or the charge of an English Judge.

MR. RAIKES said, he thought it would be more respectful to Members of the Executive Government, who were exempted from serving by the clause, that the persons mentioned in the Amendment should be placed in the next clause among those who were disqualified from acting as jurors.

MR. WATKIN WILLIAMS objected to this exemption, and believed it would be extremely difficult to give effect to it. He had met men in Wales who could neither understand nor read nor write English, and yet who made most excellent jurymen.

MR. COLLINS said, it appeared to him that no person should be allowed to serve on a jury in Wales who did not understand the Welsh language.

MR. LEEMAN referred to Yorkshire, where, he said, such an exemption as that proposed would be most unjust.

MR. LOPES asked whether the overseers were to institute an examination in order to ascertain whether or not a man really understood English, and could read and write it. Moreover, it was not improbable that many men would claim the benefit of the proposed exemption who were not actually entitled to it.

THE ATTORNEY GENERAL said, if this exemption were to be allowed they might as well abolish altogether trial by jury in Wales.

Amendment, by leave, *withdrawn*.

MR. BOWRING asked what was meant by the words "members of the Executive Government" in the clause. They appeared very elastic, and might extend to the whole of the civil establishments, including not only the higher officials, but all clerks, and even temporary writers.

THE ATTORNEY GENERAL said, he proposed to meet that criticism by the terms of the Interpretation Clause.

MR. R. N. FOWLER moved in page 5, line 3, to leave out "seventy" and insert "sixty." Everyone would admit that it was desirable a jury should be composed of men in full health, and capable of discharging the duties before them. It seemed to him that 60 was a sufficient age for people to be compelled to discharge such arduous duties, and that persons in their declining years were entitled to exemption.

Amendment proposed, in page 5, line 3, to leave out the word "seventy," and insert the word "sixty."—(Mr. R. N. Fowler.)

Question proposed, "That the word 'seventy' stand part of the Clause."

THE ATTORNEY GENERAL said, the exemption was absolute at 70, but there was nothing to prevent a person from claiming to be exempted at 65. There were many men between 65 and 70 in full possession of their faculties mentally and bodily, and who at that time of life would be particularly useful as jurors. He hoped the Amendment would not be pressed.

MR. LEEMAN suggested that the provision as to age should be struck out altogether, as it would be exceedingly

difficult, in large parishes especially, for the overseers to ascertain whether a man was 70.

MR. ALDERMAN LUSK hoped that the Amendment would be pressed.

MR. GREGORY was also in favour of the exemption above 60 years of age.

THE ATTORNEY GENERAL said, he did not think that the labours of a juror were generally very heavy, and submitted that the line which he had already drawn in the clause was a fair and reasonable one.

Question put.

The Committee divided:—Ayes 54; Noes 18: Majority 36.

Clause agreed to.

Clause 6 agreed to.

Clause 7 (Men of 65 years of age and upwards to be exempt, if exemption is claimed in time).

MR. GREGORY moved in page 5, line 24, at end add—

"and any man who shall be liable to serve in any borough or county in respect of his place of business, and who shall have a separate place of residence, shall be exempt from service in respect of such place of residence, if his claim to exemption be in like manner duly made and established."—(Mr. Gregory.)

A man ought not to be liable to serve twice. His discharging double duty would be inconsistent with the principle of the Bill.

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL said, he could not accede to the Amendment. If he were to do so, it would almost destroy the jury panel in the City of London, because all who resided out of London would elect to serve where the work was likely to be the lightest. If a man had two qualifications he ought to be liable to serve for both.

MR. GREGORY said, his Amendment would only give a man a right to say that being on the City list he was not liable for the country. A business man should only be called upon to serve where his business was carried on.

MR. LEEMAN supported the Amendment. It was not reasonable to call upon a man to perform double service as a juror, when the two summonses might sometimes clash.

MR. WEST said, that a man having two qualifications ought to be liable to serve on both.

MR. LOPES considered the Amendment a very reasonable one. It was unfair to call upon persons to discharge the same duties in a borough and also in a county.

MR. GREGORY said, his Amendment was confined to persons in business, and was not intended to apply to persons of independent means having qualifications in different places.

MR. WHEELHOUSE said, he had known instances where persons had been summoned to appear at two different places on the same day and hour.

THE ATTORNEY GENERAL said, the answer to one was that he was engaged on the other.

MR. REED said, that without the Amendment persons of Yorkshire and Lancashire having business premises in London would be liable to serve in London as well as where they resided.

THE ATTORNEY GENERAL said, that a man having two qualifications was no reason why he should not be liable to serve in both places.

Question put.

The Committee *divided*:—Ayes 16; Noes 46: Majority 30.

Clause agreed to.

Clause 8 agreed to.

Clause 9 (Juries in particular places).

SIR JOHN HAY called attention to the wording of the clause. As it stood, although the jurors of a borough would be exempt from serving at the county quarter sessions, the justices would not. Justices who were not eligible to serve as jurors at the borough general or quarter sessions, and who had to attend the county general or quarter sessions as justices, would be liable to serve there as jurors. It had been suggested to him that the clause should be amended by inserting the words "burgesses of" in place of the words "jurors in." As the law now stood, "jurors in every borough in and for which a separate court of quarter sessions shall be holden, so far as relates to any jury summoned for the trial of any issues joined in any court of general quarter sessions of the peace in the county wherein such borough is situate" were exempt.

THE ATTORNEY GENERAL said, the term "burgess" would not meet what the hon. Baronet had in view. He would undertake to meet the objection

by inserting proper words in a subsequent stage of the Bill.

Amendment, by leave, *withdrawn*.

MR. WEST said, that the object of the clause was to exempt jurymen in boroughs who had to serve at borough sessions from being called upon to act at the county quarter sessions. He did not object to jurymen serving in boroughs being relieved from serving in counties; but the Bill provided no machinery for having separate lists for these separate services.

THE ATTORNEY GENERAL said, there were certain boroughs which had limited jurisdictions of their own, and where jurors were called upon four times a-year to serve in these boroughs it was fair and reasonable that they should be exempted from performing analogous duties in counties. The Sheriff would be required in all cases to summon juries, within the jurisdiction of the authority from whom he received the precedent. The Bill did not interfere with either the limited jurisdiction, or what he might call for the purposes of this Bill the more unlimited jurisdictions now existing.

Clause agreed to.

Clauses 10 to 28, inclusive, agreed to.

Clause 29 (Making out lists in the City. Secondary to issue precepts.)

MR. ALDERMAN W. LAWRENCE moved the rejection of the clause. In the City there were 98 or 99 parishes, and the lists were at present made out by the authorities of the different wards—by the clerks of the 25 wards. By the present Bill a new machinery would be set up and a considerable expense incurred. At present the City was treated as one parish; but the present Bill would resuscitate the several parishes. There was no reason for altering the existing machinery and throwing an additional duty on the vestry clerks. The clause did not apply to any place outside the City, and he proposed its omission with the view of hereafter inserting a clause providing that the Act should not affect the present mode of forming the jury list.

THE ATTORNEY GENERAL said, he could not agree to the proposal, which was intended to except the City of London from the operation of the Bill and leave the City exactly in its present state.

There were nominally 93 parishes, but by co-operation and amalgamation the number had been considerably reduced, and the number of persons to be employed under the provisions of the Bill would not much exceed the present number. The object of the clause was to assimilate the condition of the City to that of the large towns and the rest of England, and he saw no reason why the City should remain in its present peculiar position.

MR. LOPES observed that there could be no doubt that the present state of things in the City of London was exceptional, and no reason had been shown for perpetuating that exceptional state of things. The case made for the City of London had been fully considered by the Select Committee, and the proposal made by the hon. Alderman had been rejected by a large majority.

MR. R. N. FOWLER, believing that the proposed change would create many difficulties and inconveniences, supported the Amendment.

MR. ALDERMAN LUSK said, he thought it would be impossible to make the City of London like the other parts of England, and was of opinion that the affairs of the City were very well managed. The lists were better made up, to his knowledge, in the City of London than in Middlesex or Hertfordshire.

MR. JAMES complained that the commercial juries had been getting worse and worse in London every year. The Select Committee which had lately sat had tried to trace that fact to its source. They found that the ward clerks selected these juries, and the clerks, he believed, were themselves appointed by the Court of Aldermen. The Committee had come to the conclusion that it was better to place the making up of the lists in the hands of the overseers. The hon. Member for the City of London (Mr. Alderman Lawrence), however, clung to the ward clerks; but it was impossible to understand why the City should have the distinction of having bad juries.

MR. ALDERMAN W. LAWRENCE, in reply, attributed the unpleasant experience which hon. and learned Gentlemen had had of London juries to the difficulty they had found in convincing them in cases where the juries were really in the right. Allowance was always made in the City for the inconveniences and mortifications encountered by gentlemen

of the long robe. This was the first time he had heard an imputation thrown on the returning officers of the City of London. The charge was a very grave one, and he denied that the lists were selected from the worst citizens in the City of London. He agreed, however, with the hon. and learned Gentleman (Mr. James), when he stated that the lists had depreciated. The Bill of the noble Lord the Member for Middlesex (Viscount Enfield) had deteriorated the juries, and it would go on deteriorating them unless some alteration was made. He contended that the lists for the City of London had been made up with great impartiality. The City in this matter was asking for no privilege, but for the retention of satisfactory and inexpensive machinery.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 97; Noes 19: Majority 78.

Clause *agreed to*.

Clauses 30 to 40, inclusive, *agreed to*.

Clause 41 (Corrections of the lists both in the city and elsewhere to be made every three months).

MR. ALDERMAN W. LAWRENCE moved, in page 12, line 32, after "lists," to leave out "for the city of London and elsewhere," and insert "elsewhere than in the city of London." It would be impossible for the overseers to fulfil the duties cast upon them by this clause.

MR. LEEMAN said, he thought that in many large parishes it would be impossible to carry out the provision.

MR. ASSHETON CROSS also thought that the proposed plan could not be carried out, and that persons would not be found to become overseers if so many extra duties were attached to the office.

THE ATTORNEY GENERAL upon reflection, agreed that perhaps the clause would cast too heavy a burden upon overseers in populous places. His object had been to keep the lists as clear as possible of the names of persons who would not appear when summoned. He would consent to the clause being negatived, and would probably bring up a new clause upon the Report.

Clause *negatived*.

Clause 42 *agreed to*.

*The Attorney General*

Clause 43 (Overseers and vestry clerks to be paid for making out the lists).

MR. ALDERMAN W. LAWRENCE moved, in page 13, line 29, after "the" to insert "Secondary of the city of London," his object being to afford the Aldermen an opportunity of awarding that functionary remuneration for the additional duties that would be cast upon him by this Bill if they thought it advisable to do so.

THE ATTORNEY GENERAL objected to this proposal, because he did not think that the Secondary should be placed in a better position than he was at present, or than the town clerk, who performed similar duties in respect to those lists.

MR. ALDERMAN W. LAWRENCE said, the Bill would impose additional duties upon the Secondary, and it was only fair that he should be paid for them. It appeared to him that hon. Members did not understand how justice was administered in the City of London.

MR. JAMES observed, that the hon. Alderman was quite right in saying that they could never understand how justice was administered in the City of London, inasmuch as it was the only city in which 26 Aldermen administered the law.

MR. J. LOWTHER asked the hon. Member for the City of London whether he was prepared to say what the salary of the functionary referred to was?

MR. ALDERMAN W. LAWRENCE was unable to say; but he knew that the fees of the Secondary had been greatly reduced by the Act which abolished imprisonment for debt.

MR. ALDERMAN LUSK said, that the late Secondary received about £1,000 a-year; whereas the present officer was only paid about £500 to £600 a-year, chiefly from fees.

*Amendment negatived.*

*Clause agreed to.*

*Clause 44 agreed to.*

Clause 45 (Overseer and vestry clerks to present their accounts to the courts of revision).

MR. MAGNIAC said, he had an Amendment to propose of which he had not given Notice; but, nevertheless, he hoped that the Government would accede to it. He thought that if there was one charge which ought to be borne by the Imperial Revenue it was the

charge incurred for the due administration of justice; and with that object he proposed in page 14, line 8, after the word "from," to omit "out of the first moneys thereafter to be collected for the relief of the poor in the several parishes," in order to insert "from the Commissioners of Inland Revenue, as provided in respect of prosecutions by 31st and 32nd of Victoria."

THE CHAIRMAN informed the hon. Member that a proposal throwing a charge on the public revenue required the Queen's consent to be signified, and it was also requisite that the House should go into Committee for the purpose.

MR. MAGNIAC said, he hoped that, under these circumstances, the Attorney General would consent to postpone the clause.

MR. GOLDNEY suggested to the hon. Member for St. Ives, that he might effect his object by proposing to omit the latter part of the clause, leaving the Government to find the means to defray the expenses to be incurred under the Bill.

MR. MAGNIAC, acceding to the suggestion, moved to leave out all the words after "from" in the eighth line to the end of the clause.

MR. MUNTZ considered that the question raised by the Amendment of the hon. Member (Mr. Magniac) was far too serious to be discussed without due Notice. Moreover, he thought it would be a great pity if the question of the expense of preparing the jury lists under this Bill were allowed to enter into the consideration of the important subject of local taxation when all these expenses had hitherto been defrayed out of the poor-rate.

MR. W. ORMSBY-GORE protested against the Imperial Revenue, to which Ireland was an important contributor, being called upon to pay the expenses in connection with jury lists in England alone.

THE ATTORNEY GENERAL could not help hoping that the hon. Gentleman (Mr. Magniac) would, upon consideration, not press his Amendment. The cost of preparing jury lists and all the expenses connected with juries were a purely local matter; and further, they constituted a charge that had hitherto been borne without any question whatever by the different localities of the



country. This matter had been expressly considered by the Select Committee, which was unanimously of opinion that it would be most unfit in a Bill of this kind to change the incidence of a charge of this nature from counties and parishes to the Imperial Exchequer.

MR. SOLATER - BOOTH said, he thought the House, after its Resolution of last Session respecting local taxation, had a right to expect long before this definite proposals from the Government. It was natural, under these circumstances, that an hon. Member interested should take the first opportunity of raising the question.

MR. LOPES said, the Attorney General had not stated the case correctly. Up to the present time, the overseers had been paid the pocket expenses incurred, but had not been entitled to receive remuneration for preparing the jury list. No doubt they ought to be remunerated; but the remuneration ought not to be charged on local taxation.

MR. ASSHETON CROSS replying to the statement of the Attorney General that this was an eminently local charge, said, that anyone who was acquainted with the Northern Circuit must be aware that the cause list of Liverpool was anything but local. The question was one deserving the consideration of the Government when they came to investigate what charges were local and what Imperial.

MR. ALDERMAN LUSK remarked that seeing by the Bill as it now stood 95 new officers, at great expense, would be required for the City of London, he must support the Amendment.

MR. MAGNIAC explained that his object was to prevent any fresh charge being laid upon the poor-rate. He must go to a Division.

MR. CRAUFURD said, as a Scotch Member he supported the Resolution of last year with regard to local taxation, and he hoped this Committee and also the House would for the future resist any further imposition of local taxation until the Government had thought fit to give effect to the Resolution of last year.

MR. GLADSTONE protested against a division being taken upon such a question without Notice. The hon. Member for North Hants (Mr. Solater-Booth) regarded the Amendment as a Vote of Censure on the Government for not

having acted on the Resolution of last year. Would it be satisfactory to deal with the large question of local taxation by allowing small charges of £2,000 or £3,000 to be thrown on the Imperial Revenue, while the main grievance remained untouched? What would be more contemptible than for the Government to endeavour to stave off the obligation resting upon it by making small concessions? The hon. Member for North Hants was ready to take credit for the reduction of the income tax and sugar duties. Was his financial genius equal to the task of making these reductions and at the same time relieving local burdens by the same means? It was untrue the Government had overlooked the Resolution of last year. In deference to the feelings of the House the Government had announced that it was prepared to deal with local taxation, and had described the order in which they thought it should be dealt with. Proposals were now before the House relating to matters which must first be disposed of. Was it the duty of the Government to overlook that which was necessary for the effectual dealing with the question merely to make a show of prompt obedience to the Resolution? The Government had gone to great lengths in committing themselves to the proposed transfer of local taxation to Imperial funds. The scheme of the Government would involve a large financial displacement, and the reconsideration of the principles which regulate the distribution of taxation between real and personal property, and between property and labour. It was not fair, nor was it a wise and prudent recommendation to make to the Committee that, in lieu of raising the issue directly in a straightforward manner, a Motion of this kind should be made which was totally insignificant with regard to the amount it involved, and which, if adopted, could have no other effect than that of neutralizing, or of destroying altogether, the attempt of his hon. and learned Friend the Attorney General to amend the state of the law with reference to juries. Whatever was done should be done broadly and fairly. The question now raised was a very important one, and he hoped that the Committee would not adopt the Motion of his hon. Friend. If the House saw any desire on the part of the Government to shrink from deal-

ing with the subject which it had greatly at heart, it could inflict upon them any mark of its displeasure which it thought fit. A Motion of this kind was totally unsatisfactory, and the only effect of it would be to leave the present measure without any provision for meeting expenses in themselves proper and reasonable, to cripple a useful Bill, and to discourage an energetic, laborious, and well-considered effort to improve the jury system.

MR. SCLATER-BOOTH observed that, as a matter of fact, he did object to the remission of the sugar duty, and if he had had an opportunity he would not only have given his voice but his vote against it. He contended that any Gentleman who took part in the division of last year was justified, when a new charge was proposed, in telling the Government that they were proceeding in a course which was objected to by the majority of the House. The proposal of the hon. Gentleman opposite (Mr. Magniac) was moderate and reasonable. As for the Bills now before the House, they quite failed to carry out the Resolution of last year, and it seemed to him as if the subject was relegated to an indefinite future. He would certainly support the hon. Member if he went to a division, or if the Committee wished that Progress should be reported he would not object.

MR. BOUVERIE said, he hoped the Committee would be cautious before adopting any such decision as it was invited to take by the hon. Member for St. Ives. Who could have thought that on a Bill dealing with the jury laws the question of local taxation would be raised? The Committee would not wish that a question of such importance should be decided, as it were, by a snatch division. His hon. Friend had given no Notice of his Amendment, and was the Committee to anticipate what ought to be its deliberate judgment in the way now proposed by the hon. Member? Nothing could be more unwise or imprudent.

MR. GOLDNEY said, he did not think the right hon. Member for Kilmarnock (Mr. Bouverie) had looked at the matter fairly. The question before the Committee at present was this: when the Government were bringing forward a scheme for the improvement of the judicial arrangements of the country, were the expenses to be thrown on the rates?

What the hon. Member for St. Ives (Mr. Magniac) proposed was, that the matter should be dealt with in the same way as the expenses that would arise under the Supreme Court of Judicature Bill would be dealt with. What he contended for was that no new charges should be thrown on the local rates.

MR. OSBORNE MORGAN said, that a very important issue had been raised upon a very small matter. It would be monstrous if the House were to attempt to dispose of the subject of local taxation on a point such as this.

MR. HENLEY said, it was proposed to give to every petty sessions, without any directions whatever, the power to make an order on the rates. There ought to be some provision to secure at least uniformity in a county, but there was nothing of the kind. He trusted that the Government would re-consider the question.

MR. MAGNIAC said, this charge was shown, and could not be denied, to be a new one; and it was on that account he objected to it most strongly. As the Bill would not come into operation until the 1st of November, ample time would be given for bringing the charge on the Imperial funds. It was said by the right hon. Gentleman at the head of the Government that he had not given Notice; but that had arisen from circumstances over which he had no control. Still, he felt it would be pressing unduly an important question on the House without Notice if he insisted on a division. He would, therefore, ask leave to withdraw his Amendment.

MR. CRAUFURD said, he hoped the Committee would resist the imposition of any new local tax, unless the Government consented to report Progress.

MR. MONK said, he did not think they should snap a division on an important question. He did not see why the hon. Member for St. Ives (Mr. Magniac) should not be allowed to withdraw his Amendment.

THE CHANCELLOR OF THE EXCHEQUER observed that there were many inconveniences attending the practice of taking a division without Notice, and among them was this—that many hon. Gentlemen could not know what they were voting about. Everybody seemed to think that the 46th clause applied only to a single payment, for making out the jury lists. But if hon. Members turned

to the 45th section, they would see that two payments were contemplated. [Mr. ASSHETON CROSS: That has been struck out.] That made no difference. The proposal was that the charge at present made for expenses incurred should be transferred from the local rate to the Consolidated Fund. The object was not a small sum; but to make a groundwork on which a hold could be made for the future. This was a fair object, but not one which ought to be achieved without Notice. He hoped the hon. Gentleman would be allowed to withdraw his Amendment.

Mr. GATHORNE HARDY said, he understood the Amendment was limited to what had been laid down as a new charge. If there was any dispute about it, and if the Government was in the least taken by surprise, they should move to report Progress. He had not the slightest disposition to snap a division. The Committee should vote on the question with full knowledge.

THE ATTORNEY GENERAL contended if there had been the slightest intention to raise the question of local taxation on this Bill it should have been raised on the 43rd section. He put it to the candour of hon. Gentlemen opposite whether it was fair to come to a conclusion wholly inconsistent with the earlier part of the scheme, which had been agreed to without opposition.

Mr. ASSHETON CROSS said, that as the Committee had got into a dilemma he thought the best course to pursue would be to report Progress, so that the matter should be considered when there was a larger attendance. He therefore moved that the Chairman report Progress.

*Moved, "That the Chairman do report Progress."*—(Mr. Assheton Cross.)

Mr. LOPES said, he could not agree with the Attorney General that the present clause was not the one on which this question ought to be raised.

Mr. GLADSTONE said, the Government would not at so late an hour resist the Motion for reporting Progress if the Committee desired to carry it. In the interval, however, before the consideration of the Bill was resumed, hon. Gentlemen opposite would do well to consider whether the proposal supplied or constituted a form in which they wished to assert the principle which they

entertained with regard to local taxation. As to the Amendment, his hon. Friend the Member for St. Ives (Mr. Magniac) put upon it the construction he desired it to bear—namely, that it was a protest and a warning. It would have been far better if his hon. Friend (Mr. Magniac) had been allowed to withdraw his Amendment. The intention of his hon. Friend was that the charge should be transferred to the Consolidated Fund. With respect to that the Government said the question of local charges ought not to be dealt with in this manner. The other branch of the question was, that there was a new charge created, which it was proposed should be thrown on the Consolidated Fund. This charge was the remuneration to the overseers for their trouble, and this charge, it was proposed by the Amendment, was to be fixed by the local authority.

Mr. GATHORNE HARDY said, the proposition hardly amounted to this, as the first Amendment had been withdrawn.

Mr. GLADSTONE said, the amount must be paid from either local or Imperial funds. The Committee had constituted this charge in Clauses 43 and 44, and they had committed to the local authority the power of determining the charge which was now sought to be thrown on the Consolidated Fund. If the local authorities were not to pay from local funds they must come upon the Imperial funds.

Mr. SOLATER-BOOTH said, that if the Amendment had been carried, no charge on the Consolidated Fund was of necessity entailed; but these three clauses must have been altered on the Report.

Mr. MAGNIAC said, that the Prime Minister having asserted that he had only moved his Amendment as a protest, he wished to explain that he intended it to the best of his ability to be an effective protest. The only reason why he withdrew his Amendment was that it had been made without Notice.

Mr. PELL said, he thought it just as improper that the local authorities should fix the charge on the local rates as that they should fix the charges to come out of the Consolidated Fund.

Mr. NEWDEGATE said, unless objection were taken at the time when local taxation was proposed, those who wished to relieve local burdens were told

they were too late. This charge was part of the administration of justice.

MR. J. LOWTHER asked when the Bill would be taken again?

MR. GLADSTONE said, Monday was to be given to the Supreme Court of Judicature Bill, and on Tuesday the House would begin the consideration of the Local Taxation Bills. He was afraid that the present measure must now stand over until the more urgent Business was got rid of.

*Motion agreed to.*

Committee report Progress; to sit again upon *Thursday* next.

#### LAW AGENTS (SCOTLAND) BILL.

(*The Lord Advocate, Mr. Adam.*)

[BILL 150.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Interpretation of terms).

MR. GORDON hoped the right hon. and learned Gentleman the Lord Advocate would state the understanding on which he wished the discussion to proceed, and particularly, whether he proposed that the rights of the existing corporations should be destroyed altogether, or whether the corporations which at present had the power of passing practitioners should have their powers continued?

*Clause agreed to.*

Clause 2 (Admission, enrolment, and powers of Law Agents).

MR. CRAUFURD said, there was one point he wished to call attention to. The Bill proposed to open up all the Law Courts to qualified practitioners, but there was one privilege which was not interfered with—no person could issue summonses or take out processes in connection with the Superior Courts, without obtaining the signature of the Writer to the Signet. He believed, although it was that on which the name of the Society was founded, the privilege was a small one, and one from the continuance of which no advantage could be expected. Indeed, the Law Commissioners, as would be remembered, recommended that it should be done away with. He proposed, therefore, to move the addition of a Proviso to that effect.

MR. BOUVERIE said, there was another point on which he wished to get

information. The clause provided that no one should practise in the Law Courts except those qualified in accordance with the provisions of this Act. The qualification was a general one for all the Courts, and it undoubtedly seemed to be the proper system to have one door through which all solicitors should be admitted. In another portion of the Bill, however, other modes of admission were provided. He was informed that they were eight or nine in number, and he wished to know how matters really stood; because, on the first blush, it seemed to him that the exceptions were not reasonable ones. In order to elicit an answer to his queries, he would move the omission of the first part of the clause.

Amendment moved to leave out "From and after the passing of this Act no person shall be admitted as a Law Agent in Scotland except in accordance with the provisions of this Act."

THE LORD ADVOCATE said, he was indebted to the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) for giving him an opportunity of making such a statement as was desiderated by the hon. and learned Gentleman opposite (Mr. Gordon). According to the system which had prevailed for a very long time in Scotland, solicitors were not admitted over the whole country by the decree of a Superior Court, but were admitted by the Courts in their several localities; and their privileges as regarded practice related solely to those Courts, whether superior or inferior, by which they were admitted. There was thus one body of solicitors before the Supreme Court in Edinburgh, another body of practitioners in Glasgow, a third in Perth, and so on. Another feature of the system was that in the various localities there existed Societies having exclusive privileges. In Edinburgh there were the two Societies of the Writers to the Signet and the Solicitors before the Supreme Court, and they had the exclusive privilege of practising before the Court of Session. In Glasgow, again, there was the Faculty of Procurators, with the exclusive privilege of practising before the Sheriff Courts of Lanark, and with the power of admitting practitioners. There were other bodies having corresponding powers in other parts of the country. The





general and main object of the present measure was to put an end to this system of partial admissions to practise before particular Courts, and to substitute a general admission by the Superior Court in Edinburgh for the whole country. Its second object was to terminate all existing monopolies, so that the right to practise would no longer depend on the will of local Societies, and these Societies would no longer have the right to say who was qualified. The 19th clause, to which the right hon. Gentleman (Mr. Bouverie) had referred, did not continue any of the monopolies in question. It proposed—and it was a proposition merely, for there was an Amendment on the Paper which might or might not be adopted—that the Court in Edinburgh should be allowed to accept a certificate of admission to any of the Societies referred to—they were nine in number—as equivalent to a certificate of qualification and fitness from examiners appointed under the Act, provided they were satisfied that the conditions of admission were such as to show a satisfactory qualification. It was proposed to empower the Court to accept certificates of examination by the Society of the Writers to the Signet as equivalent to an examination by their own examiners, if—and only if—the Court should be satisfied that the examination of the Society was sufficient to afford qualification and guarantee to practise.

Amendment, by leave, *withdrawn*.

MR. CRAUFURD moved the insertion of words, the effect of which was to take away from the Writers to the Signet the exclusive privilege of signing writs and summonses.

MR. M'LAREN said, he entirely approved of the Amendment proposed by the hon. and learned Member for Ayr. The Lord Advocate had stated that the object of the Bill was to destroy all monopolies. He (Mr. M'Laren) agreed that it was desirable to effect that object, and this Amendment was to destroy a small monopoly which now existed.

THE LORD ADVOCATE hoped his hon. and learned Friend would not press his Amendment. He admitted that a great deal might be said against Writers to the Signet enjoying the exclusive privilege of signing writs which passed the Signet, but that was not the proper occasion to deal with the subject. To do

it now, without its having been under the consideration of the body interested, would be a somewhat objectionable proceeding. He quite appreciated the views of his hon. and learned Friend, and he should be prepared to give them favourable consideration at a fitting period; but he did not think the present was the occasion. It was a sentimental grievance; and he believed there was no difficulty in getting the summonses signed by a brother practitioner; but there was a feeling of sentiment in asking for a favour of this kind, and he should be glad to consider the matter at a future and more appropriate time.

MR. CRAUFURD said, though it might be a sentimental grievance, the Lord Advocate had said nothing to show that it ought to be retained.

MR. MILLER hoped the Amendment would be persisted on. If it was a sentimental grievance, it would be easier to redress than a real grievance.

MR. ORR EWING, on the other hand, hoped the Amendment would be withdrawn.

MR. CRAUFURD said, he felt the force of the argument, that he had not given Notice of his Amendment; but he hoped that some other opportunity would be given him of raising the question. He should withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clauses 3 and 4 agreed to.

Clause 5 (Provisions as to the qualification of applicants or admission as Law Agents in future. Cases in which service for the term of three years will suffice).

LORD ELCHO proposed as an Amendment, in page 2, line 25, after the word "Agent," to add the words, "or sheriff clerk." The object was to compensate the sheriff clerk when an alteration was made imposing new duties upon him.

THE LORD ADVOCATE said, that was not a matter to which he attached much importance, and he was inclined to give way to the feeling of the Committee. It was quite true that heretofore sheriff clerks had been permitted to receive apprentices; but he did not think it was a fitting training school for solicitors, who would have to practise in a Superior Court.

MR. BOUVERIE said, the present proposal would work very great hardship and inconvenience to the sheriff clerks. They would be deprived of a source of emolument without any corresponding compensation. He therefore proposed that the present sheriff clerks should have the privilege allowed them.

THE LORD ADVOCATE said, on the Report, he would bring up words to carry out the suggestion.

Amendment, by leave, *withdrawn*.

MR. CRAUFURD moved as an Amendment, in page 3, line 11, after "Agents," to add as a separate paragraph—

"A person who either before or after the passing of this Act shall for three years have been in practice as a notary public, or shall for five years have been a clerk to and engaged under the superintendence of a notary public."

THE LORD ADVOCATE said, he objected to the Amendment, on the ground that it applied to notaries public for all future time.

Amendment, by leave, *withdrawn*.

Clause agreed to.

House resumed.

Committee report Progress; to sit again *To-morrow*.

#### FISHERIES (IRELAND) BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Laws relating to the Inland Fisheries of Ireland, *ordered* to be brought in by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 181.]

#### LANDED ESTATES COURT (IRELAND) (JUDGES) BILL.

On Motion of The Marquess of HARTINGTON, Bill to reduce the number of Judges in the Landed Estates Court in Ireland, *ordered* to be brought in by The Marquess of HARTINGTON and Mr. BAXTER.

Bill *presented*, and read the first time. [Bill 182.]

#### DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) PROVISIONAL ORDER (NO. 3) BILL.

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Upper Gully River Drainage District, Queen's County, *ordered* to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. BAXTER.

Bill *presented*, and read the first time. [Bill 183.]

House adjourned at  
Two o'clock.

## HOUSE OF COMMONS,

Friday, 6th June, 1873.

MINUTES.]—SUPPLY—considered in Committee—Committee—R.P.

PUBLIC BILLS—Committee—Stipendiary Magistrates (Scotland) \* [129]—R.P.

Committee—Report—Law Agents (Scotland) [150-184]; Marriages Legalization, Saint John's Chapel, Eton \* [179].

Considered as amended—Juries (Ireland) \* [166].

Third Reading—Conveyancing (Scotland) \* [178]; Local Government Provisional Orders (Nos. 2 and 3) \* [163 and 169], and *passed*.

## INDIA—M. DE LESSEPS' PROJECT— CENTRAL ASIAN RAILWAY.

### QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Whether the attention of Her Majesty's Government has been drawn to M. de Lesseps' proposed Railway to India through Central Asia from Orenburg via Samarcand to Peshawur; and, if it be true that the Russian Government is in treaty with M. de Lesseps on this line of communication, whether Her Majesty's Government will reconsider their policy on the subject of Railway communication with India, and especially with regard to the Euphrates Valley line?

VISCOUNT ENFIELD: Sir, Her Majesty's Government have been informed of communications which have passed between M. de Lesseps and General Ignatieff, the Russian Ambassador at Constantinople, on the subject of a proposed Railway to India through Central Asia, but they are not aware of what view the Russian Government take of such a proposal.

## NAVY—CORRESPONDENCE BETWEEN MR. TROTMAN AND THE ADMIRALTY.

### QUESTION.

MR. G. BENTINCK asked the First Lord of the Admiralty, when the Return of Correspondence, &c. ordered on the 2nd of April, between Mr. Trotman and the Admiralty, will be laid upon the Table?

MR. GOSCHEN, in reply, said, the Return would be laid upon the Table of the House in a few days. It would have been done before, had he not been



anxious to present with it some letters anterior to the date asked for, and which would be printed in a separate form.

VISIT OF THE SHAH OF PERSIA—  
NAVAL REVIEW AT SPITHEAD.

QUESTIONS.

COLONEL ANNESLEY asked the First Lord of the Admiralty, Whether it has been decided to hold a Naval Review at Spithead on the occasion of the visit of the Shah of Persia to this Country?

MR. GOSCHEN: Sir, the Shah will be received at Dover by a considerable gathering of iron-clads of the Channel Fleet and the Reserve Fleet, with several other ships; and the demonstration, if I may call it so, at Dover will of itself partake to a certain extent of the nature of a naval review. There will also be a gathering of ships on another day at Spithead. The Shah is expected to go to Portsmouth during his visit to this country, and will have an opportunity of witnessing a large number of men-of-war, and every honour will be done him on that occasion; but there will be no naval review in the strict sense of the word.

MR. BAILLIE COCHRANE said, that being dissatisfied with the answer given by the right hon. Gentleman the First Lord of the Admiralty, he wished to know from him, Whether, as we could not hope to vie with other countries in military displays, or, indeed, in presenting any great spectacle on land, Her Majesty's Government would not think it advisable to signalize the approaching visit of the Shah of Persia by a grand assemblage and review of our Fleet, an element of national strength in which this country was wholly unsurpassed, in some better way during his visit to Portsmouth than the answer just given seemed to indicate? He should like, therefore, to hear from the right hon. Gentleman what was intended to be done in the matter, as it would appear there was to be no naval review.

MR. GOSCHEN said, he had not exactly stated that there would be no naval review. There would be a very large gathering of men-at-war at Spithead, representing what the hon. Member called our "unsurpassed strength," and the Shah would have the opportunity of seeing our most magnificent ships assembled there. He would also

have the opportunity, of which he would in all probability avail himself, of going on board some of our largest vessels, and thus observing the power of the naval resources of this country.

CRIMINAL LAW—THE CHIPPING  
NORTON MAGISTRATES.—QUESTION.

MR. BOWRING asked the Secretary of State for the Home Department, Whether he is able to inform the House of the result of the inquiries instituted by him with reference to the recent Chipping Norton case; and, whether he is able to inform the House if there is any truth in the statements which have been published to the effect that the infants of two of the imprisoned women were insufficiently supplied with food during the period of their mother's incarceration?

MR. BRUCE in reply, said, that neither from the prisoners themselves nor from anybody on their behalf had he received any Memorial at all. Having seen a statement on that subject in the papers of the 26th May, he addressed a question about it to the magistrates and received their answer on the 29th of May. But in the meantime the sentences of a large number of the women had expired, and those of the rest were on the point of expiring. The magistrates had contented themselves with sending him a report in a newspaper, for the correctness of which they vouched, from which it appeared that the following were the facts of the case:—Some 30 women, a few of whom were armed with sticks, went to a gate and waylaid two men, who had accepted employment from a farmer named Hambridge, threatening that if the men went back to work they would beat them; and after some parley the men retired, when the women followed them, hustled them, pushed them into a hedge, and declared they would duck them in a pond if they attempted to return to work. The men in about half-an-hour attempted to go back to work, when they again met the women, some of whom asked them to go to the public house to have beer, and some tried to get them to join the Union. The men refused, and on their refusal the same threats of ill-treatment were repeated if they returned to work. Charges were afterwards brought against 16 out of the 30 women for a breach of

*Mr. Goschen*

the Criminal Law Amendment Act, in having used violence, threats, and intimidation to prevent those men from working. The witnesses for the prosecution fully proved the case; there was no evidence for the defence; and there appeared to be no doubt that the women had broken the law. Indeed, it was said, they were ignorant of the law; but he could hardly believe their ignorance was so barbarous as to lead them to suppose that any person, whether man or woman, had a right to interfere with men in that way and endeavour, by means of threats, intimidation, and violence, to prevent them from working. If the women themselves had been so treated by men, and when they complained had been told that it was only the ordinary rough play of the district, and, in fact, no legal offence, they would, he thought, have had good reason to be astonished at such a state of the law. Nor did he think they could have supposed that what was an offence in a man ceased to be an offence in a woman. At any rate, if that was their idea, it was very expedient that the contrary should be proved to them. So far, the case was clear. The question remained as to the discretion of the magistrates in the punishment they inflicted. It seemed to him to have been quite excessive, and at the same time unnecessary for the vindication of the law and in order to give a wholesome example in the neighbourhood, that as many as sixteen persons should be committed to gaol. The magistrates, as he understood, said it was impossible to distinguish between their cases; but in the first place, they had themselves distinguished between the cases by inflicting on seven of the accused a heavier punishment by three days than they inflicted on the remaining nine. As to the necessity for so severe a punishment, he thought that was contradicted by the fact that one of the magistrates called on the prosecutor not to press the case. That course not being acceded to, the magistrates, he was informed, said that they had no other course to adopt under the Act than to commit the women to prison. But there was no doubt they might have passed a lighter sentence, and have bound the women over in their own recognizances to appear and submit to the sentence; or, on the other hand, it would have been quite competent for the magistrates,

on the evidence before them, to convict those who had taken the most active part in the disturbance for an assault, and to fine them, enforcing the fine, if necessary, by imprisonment. Neither of those courses, however, appeared to have occurred to the magistrates, and the case did seem to show a very grave want of discretion; because, although the women undoubtedly had committed an offence, the extent to which their punishment was carried had a tendency to enlist the sympathy of the public on the side of those who had broken the law, whereas a moderate punishment would have been accepted by all as a suitable penalty. Under these circumstances, the Lord Chancellor had thought it proper to write to the Lord Lieutenant of the county with regard to the conduct of the magistrates in the matter, and to call on them for an explanation of that conduct; and after receiving such an explanation, he would take the course which he thought necessary. With respect to the statement contained in the latter part of the hon. Member's Question, when he saw it in the newspapers, he had desired inquiry to be made of the Visiting Justices as to its accuracy, but no answer had yet been received.

#### COMMISSION OF THE PEACE— CLERICAL MAGISTRATES.—QUESTION.

MR. M'CARTHY DOWNING asked the First Lord of the Treasury, Whether he is aware that a rule has been for many years in force in Ireland by which clergymen of all denominations have been excluded from the Commission of the Peace in that Country; and, whether he is prepared to apply the same rule to the other portions of the United Kingdom?

MR. GLADSTONE, in reply, said, he believed, although he had not had time since Notice of the Question had been given to make any inquiry on the subject, such as he should desire to make, that there was a rule in Ireland which had been observed for a length of time—and, he dared say, a very salutary one—by which no clergyman or minister of any denomination had been placed on the list of magistrates. In regard to Scotland, he had had no time to obtain authentic information on that matter. He would observe, however, in passing, that the case of England was not exactly

parallel to that of Ireland, because there were in Ireland resident magistrates, and a large portion of the duties executed by unpaid magistrates in England was performed by stipendiary magistrates in Ireland. As to the case of England, he was not prepared to give his hon. Friend the Member for Cork (Mr. M'Carthy Downing), the summary reply for which he asked. The matter required consideration, and any decision which might be arrived at ought to be stated with the reasons for it. The first thing he wished to do was to ascertain the facts, and he had requested the Home Secretary to obtain some Return or information showing not only the actual number of clerical magistrates in this country, but also the course of practice in late years, which undoubtedly had tended to a very great extent—and he thought it a salutary tendency—to restrict materially the number of such magistrates. Perhaps when his hon. Friend saw that information, he might or might not think fit to return to the subject. However that might be, it was a subject which could not be dealt with in the summary way indicated by his Question.

MERCHANT SHIPPING ACT—COMMITTEES OF SEAMEN—RETURN.  
QUESTION.

MR. PLIMSOLL asked the Secretary of State for the Home Department, When the Return, ordered by the House of Commons on the 17th February last,

"of the Crews of Merchant Ships which have been committed to Prison in the years 1870, 1871, and 1872, for refusing to proceed to sea; showing the numbers of men in each case, the name of the ship, and the term of imprisonment, together with the reason alleged by the seamen for refusing to go to sea,"

will be laid upon the Table of the House?

MR. BRUCE, in reply, said, that there had been considerable delay in getting the Returns, in consequence of the form in which the order for them was originally drawn up. It had especially been found difficult to obtain any information as to the reasons alleged by seamen for refusing to go to sea. It had therefore been necessary to ask for the Returns in a fresh form; but the English portion would be ready next week; the Scotch portion had arrived that day, but the Irish had not yet come in.

Mr. Gladstone

RIGHTS OF PATENTEES—GOVERNMENT MANUFACTURES.—QUESTION.

LORD CLAUD JOHN HAMILTON asked the Secretary of State for War, If Her Majesty's Government claim the right to have patented articles manufactured for them by private firms without payment of royalties to the patentees; and, whether they have ordered such patented articles in any case for the War Department, and have indemnified the manufacturers against the claim for royalty; and if such action has been taken on the advice of the Law Officers of the Crown?

MR. CARDWELL: Sir, under the advice of the Law Officers of the late Government, Her Majesty's Government do claim the right to have patented articles manufactured for them by private firms without payment of royalties to the patentees; and, although I might, perhaps, demur to any questions being put on legal proceedings now pending, I have no objection to state that the War Department have ordered such articles; and, in case of dispute, I shall take such measures as I may be advised are proper for maintaining the public right.

SUPPLY.

Order for Committee read; Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—THE CAVALRY FORCE.

RESOLUTION.

CAPTAIN TALBOT, in rising to call attention to the inadequacy and inelasticity of the Cavalry Force in this country, and to the present system of purchasing horses; and to move—

"That in the opinion of this House, considering the smallness of the Force, it is expedient to at once take steps for providing a sufficient reserve of men and horses for the Cavalry,"

said, he wished to point out that the astounding successes of the Germans in the late war with France were proved to have been due more to the preparation and organization of the Prussian troops than to any difference in the fighting qualities of the two armies, and he would quote a passage from the review which appeared in *The Times* of the German official History of the War, to show that "all the wretched con-

fusion" which existed in the case of the French—

"occurred . . . . . because the War Office at Paris had kept the administration in its own hands, and had never understood the vastness of the task of mobilizing a great Army. Let no smile pass over the face of an Englishman when he reads Von Moltke's account. We, the practical people *par excellence*, are in no better case at this moment. We have the same evil system of centralization, the same blind confidence of what we could do on the spur of the moment; and the case of France would be ours, if we were suddenly to mobilize all our available troops to resist invasion."

He did not, however, on the present occasion, intend to enter into the question of the general system of military administration, and would confine himself to that arm of the service to which his Notice particularly referred. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) had, in an attack made upon the Household Cavalry in the Session of 1871, made the astounding remark that cavalry, and especially heavy cavalry, had taken but little part in the last war. But that was far from being the fact, as he (Captain Talbot) was able to show in the debate. Cavalry, and especially heavy cavalry—for German cavalry was principally heavy—contributed as much as any arm in the service to the success of the German armies, and perhaps more than any arm to the rapidity of that success. That glorious day—the 17th of August, 1870—when at the battle of Rezonville the Prussian cavalry enabled one Corps d'Armée to hold its ground against, and prevent the retreat of the whole French Army, was a sufficient proof, even if it stood alone, that the days of cavalry charging cavalry and engaging infantry had not gone by. Colonel Bonie, of the 11th Dragoons (French), who wrote with great frankness and ability, said of this battle—

"As for bodies of cavalry meeting cavalry that happened repeatedly. The horses of our light cavalry were knocked to pieces against the solid and impassable line formed by German Dragoons. From which it appears that as the advantage is on the side of size and weight, one should never engage where there is too great a disparity."

He (Captain Talbot) was supported by authorities in denying that the days of cavalry had gone by. On the contrary, their rôle in warfare had changed but not diminished. The duties of reconnaissances and of veiling the movements of an Army had taken a first place in importance; while with the increasing range

of artillery and its greater mobility the necessity for cavalry, both in the attack and defence of that arm, was greater than ever. He could not accept the last war as a certain precedent as to what would happen in any future war, because in that instance one Army was fully prepared for war and the other was totally unprepared. In future wars, instead of a few horsemen taking possession of large towns and requisitioning whole provinces, they would see cavalry engagements great and small, and that cavalry which, by the perfection of its organization and the ampleness of its reserve was able to maintain itself in the field, would be able to give that assistance to the main body so essential to its ultimate success. What was the state of our own cavalry force at the present time? Was its number sufficient for the duties it had to perform? Was it fit to take the field, and could it maintain itself when it was there? He fully admitted that it was impossible in the present state of feeling in this country to keep up the cavalry at a war standard in a time of peace; and, indeed, it would be impossible to keep that force up to such a standard, without the expenditure of an enormous sum of money annually. But in time of peace preparation might be made for war, without undue expenditure, by reorganizing our cavalry system. Our cavalry force, as compared with that of other countries, was most inadequate. We could not attempt to compete with the numbers of foreign armies—indeed, the comparison was too appalling—but surely their units should be of something like equal strength—regiment for regiment, squadron for squadron. Thus, the cavalry regiments of North Germany during the last war consisted of five squadrons, numbering 690 riding and 115 draught horses, of which four squadrons took the field and one remained at home to train men and horses to fill the vacancies occasioned by the casualties of war. Our regiments consist of only four weak squadrons, all of which are supposed to take the field, no reserves being left at home, nor any provision being made for maintaining the force during war. The regiments averaged 320 horses, of which 10 per cent were four-year-olds. At the Manœuvres their regimental transport was found by most regiments,

and their number still further reduced by furnishing orderlies, &c., for the cavalry Staff. The result of our present system was that each of our cavalry regiments which took part in the last Autumn Manœuvres did not exceed the strength of two squadrons of German cavalry, while towards the end they probably little exceeded one. It must be recollected that it was impossible to improvise cavalry. Colonel Bonie said—

“Before the war, much was written and said in France in favour of the cavalry being reduced, but better informed and more clear-sighted Prussia allowed us to theorize, and silently prepared her own cavalry, and increased its numbers and relative proportions to other arms.”

Again, he said—

“As soon as war had been formally declared against Prussia, the various cavalry regiments received the order to mobilise. Immediately the vices of our organization were brought to light, and, in spite of all efforts, our zeal failed to contend successfully against impossibilities. It is evident that during peace regiments cannot be kept up to a war footing; such a system would be ruinous. But since this is the case there is all the more reason that a system should be adopted which should enable the cavalry to receive, on the shortest notice, supplies of men and horses sufficient to carry the total to a war strength, otherwise the cavalry, which ought to precede the Army in order to obtain intelligence, will on the contrary be the last ready, and instead of being the vanguard will be the rearguard. At the commencement of this war we not only had no reserves of horses, but a portion of our effective strength was composed of four-year-old remounts. Thus it was that with the greatest difficulty we only succeeded in getting together four squadrons per regiment, of 102 horses each, which strength, the smallest with which one can take the field, was soon lessened by a few days of hard work. . . . Thus, from the commencement of hostilities, the weakness of every part of our organization became only too apparent. Owing to our system of remounts, we were obliged, for want of reserves, to march with a strength that was barely sufficient for a peace establishment; and once on the road our squadrons of 80 horses remained at that strength without ever being completed up to their proper total. Therefore, we must reorganise and perfect this branch of our system. An improved system should supply an inexhaustible supply of remounts told off to regiments beforehand, and which should be numerous enough to fill up all vacancies. The same thing applies to the teaching of both man and horse.”

We had at the last Manœuvres a force of something like 30,000 men, of which 12 regiments were cavalry in brigade and one broken up—a very proper proportion; but that exhausted the whole

force of cavalry in the United Kingdom, except one regiment in Manchester and one in Scotland. Was that an adequate reserve? The seven regiments in Ireland were not included, but could they reduce the garrison there? But where was the cavalry to come from for the rest of the infantry? The Secretary of State for War would not admit it was all he could produce; and indeed, while few infantry regiments took part in the Manœuvres of 1871 and those of 1872, the cavalry that was present in the former year were also at the latter. He ventured to assert that if the Manœuvres last year had been a campaign and a successful one, that we should not have had any cavalry for further operations. How could reconnaissances and other duties be well performed without abundance of strength to relieve men and horses? The Army was exposed to great disasters by neglecting the lessons they should have learnt, and the officers would be blamed for ignorance and incapacity in failing in the performance of duties beyond their powers to undertake. They had had little experience in cavalry warfare since arms of precision were introduced, and none since the great development of artillery and the introduction of breechloaders. The Crimea was no field for cavalry—a fact the hon. Member for the Border Burghs (Mr. Trevelyan) might remember when he thought fit to taunt certain regiments with not being there—and, except at Balaclava, played a passive rather than an active part, and yet what was its state after ten months. Colonel Baker reminded them in his most valuable lecture at the United Service Institution, that the light brigade could only turn out one heterogeneous squadron made up from the different regiments. Where were the re-inforcements? Where the reserves? Very much where they should find them if they unhappily should go to war in the next few years. Now, it had been said by an eminent writer (Jomini) on military subjects, that an Army deficient in cavalry rarely obtained a great victory, and found its retreat uniformly difficult. That was as true as ever. And we must have more men, and we must have the means of laying hands upon a large number of horses. The cost of a cavalry soldier was little more than an infantry man. The latter could be produced in a few months, the

former took at least two years. And yet while something was being done in providing a reserve of infantry, nothing had been done for a cavalry reserve. He (Captain Talbot) gave credit to the Secretary of State for what he had attempted in that direction—not that he was satisfied either with the mode or the amount—but in this country one must be contented with very small mercies; but it did seem anomalous that with the greater necessity nothing should be attempted for the cavalry. If trained men were necessary for trained or untrained horses, it was also imperative that we should be able to lay our hands at a moment's notice upon a sufficient number of horses—if partly trained so much the better. Some persons imagined that if we went to war the right hon. Gentleman could with the greatest ease buy horses in any quantity and put them into line; but anyone who knew anything about the subject knew that that was an absurd idea. It would be difficult to buy or to requisition—and at all events the machinery for doing one or the other should be framed now, instead of waiting until they were in want of them. Colonel Baker had made two suggestions, which he (Captain Talbot) thought were worthy of close examination. One suggestion was that all the horses of the country should be registered and divided into two classes—that one class should pay a higher duty, and the other should pay no duty at all, or a very small duty, on condition that if wanted in the event of war we should be able to have them. The other suggestion was that 1,000 additional horses should be purchased every year for the cavalry and artillery; that they should be trained for one year and then lent to farmers or yeomen, to be their property after five or six years, on the condition that they should be forthcoming when wanted for Autumn Manœuvres, or, in case of war, that they should give them back to the Government, in which case they would again become the property of the Government. That was a plausible suggestion, and one which might be at all events examined with advantage. Last year the cost of supplying transport for the Autumn Manœuvres was £42,000. They had consequently paid £42,000, and got nothing to show for it. That sum would be sufficient to purchase 1,000 horses, which would be available for the Autumn

Manœuvres, the keep of which they would only have to pay for one year while being broken in. Under that system they would have in a few years a great number of horses available for Government purposes. He would now direct attention to the system of purchase. At present the colonel of the regiment bought his re-mounts. Some persons thought that that was not the proper way of buying horses, and that there should be a Commission to purchase all the horses for the Service. He did not agree in that opinion, and he thought it was a great advantage that the man whose anxiety it was to mount his regiment as well as possible should purchase the horses. It was also said that the colonels of regiments competed with each other, and thereby raised the price of horses; but it was impossible that the small purchases effected by the colonels could make any difference in the market. They had a Commission for buying horses in India, which came down to Bombay on the arrival of horses from Australia, and purchased them in large batches, taking the rough with the smooth, and there was not that careful selection or the pains taken as when a colonel knew that he was buying for his own regiment. The real fault of the system of buying horses in this country, however, was that they had a great deal too much to do with the dealers instead of the breeders, and it was not generally known what price the Government would give for their horses. The price ought to be known to the farmers, and they ought to be encouraged to bring their horses to the cavalry barracks and depôts, and then they would come into the hands of the Government without having to pay the toll of the intermediate horse dealer. He believed if farmers knew they would obtain £42, or whatever the re-mount price might be, for every sound useful horse at four years old, it would be a great inducement for them to breed. He would recommend that a stallion should be kept with each regiment, and farmers invited to send mares, upon condition that the stock should be offered to Government under certain conditions at three or four years old. He (Captain Talbot) would lend or give shapely well-bred mares, after they had done a certain amount of work, to farmers upon conditions as to their stock. He was a great advocate

for buying horses young. The best animals of the cavalry regiments were bought at three years; but they should not be put upon the strength of their regiment until they were five years old. A fifth squadron should be added to each regiment as a dépôt and a training establishment, and all four-year-olds should be in that squadron. If three-year-olds were bought—which he believed to be the best and cheapest age to buy, for there was no competition then—they should be left at grass with the breeder or other farmer at a small expense, or be put in strawyards attached to barracks. He believed that the Government would soon have to pay a higher price for their horses. The French Government were paying from £48 to £72 for the heavy cavalry, and from £40 to £60 for their light cavalry horses, whereas our price for the corresponding class of animals was £50 and £42. Their heavy cavalry ought to be well mounted, and in order to effect that there could be no worse economy than that of paying little for horses for the Service. General Blumenthal, two years ago, said that he had never seen anything like the Household Cavalry; but it could not be kept in its present state if they were only to give the same price for horses that they gave 30 years ago. He wished to draw attention to the extravagant manner in which the additional transport for the last Autumn Manœuvres was provided. He believed that 2,000 horses were purchased at something like £40 to £42 each. He was not exactly certain upon the point, for the Army Estimates, in treating upon it, were very hazy. The course, however, pursued upon that occasion had not proved very advantageous. The right hon. Gentleman made a contract with a London dealer for the whole number, and the result was that he got a lot of old, infirm, worn out, useless, and soft animals at a very extravagant price. The proof of that was that when they were sold a few weeks after, there had been a loss of some £20 a-piece upon those horses, which showed they must have been bought dearly or sold badly. He was told that a new contract had now been entered into for this year, and that foreign horses would be introduced in consequence. He very much regretted this result. These foreign horses were of an inferior class; they would be bred from, and there would then be a dete-

rioration of the quality of horses in this country. It seemed to him that it would be better either to issue tenders for 100 or 200 horses in the different districts and in the large towns, to be delivered at each of their depôts, or to have imposed the duty of buying the horses upon the commanding officers of cavalry. He wished to say one word with reference to the breeding of horses, and he must say that he thought there was a great deal of nonsense talked in the name of political economy with reference to the subject. He did not pretend to any knowledge of political economy, but it did seem to be against the principles of common sense that where there was only a limited supply of an article no means should be taken to prevent the loss of the power of producing it, no efforts made to stimulate the supply, and no steps taken to regulate the causes that lead to the decrease of the supply. They were at present burning the candle at both ends. They were allowing their best brood mares to go out of the country, and they were importing animals of the most wretched and rubbishy description from the Continent. Another matter to which he wished to direct attention was the want of a cavalry Staff. In case of a war they would have to improvise a Staff. That was not a satisfactory state of affairs, and he believed that they could at a moderate expense maintain a Staff. It would have ample work in time of peace, and would be of the greatest service in promoting the efficiency of the force; and no other country with an Army was without it. In *The Times* last year there was an article, written with great ability, and in a spirit of fair criticism, on the subject of cavalry manœuvres and the duties of cavalry; but the fact was that this country did not possess a sufficient force of cavalry to perform the duties which would devolve upon them under the new system of tactics; and that was an answer to most of the criticisms. There never was greater occasion for cavalry than existed now. Man for man, the British cavalry, he believed, was superior to that of any other country; but individual excellence could not make up for what was chiefly wanting—numbers—and in failing to supply them we had not profited by the lesson which had been taught us two years ago. It would be well if the Government would

*Captain Talbot*

make some inquiry on many points upon which information was necessary—for example, as to the number of the cavalry force required; what should be their strength during peace and in war; the means of increasing that strength; the formation of a reserve of men and trained horses; a system of registering horses; the proportion necessary for different branches of the cavalry force; and the cavalry equipment. The last point was one of great importance, for, though the system of tactics had changed so greatly, the equipment of our cavalry remained the same. Then there was the question of Government studs and Government farms. From observation in India he was not an advocate for Government studs, but that system was spoken of so highly in Germany and Austria that he should like to have further information on this point. The question of farms was quite distinct from that of studs. He hoped that the Government, on all the points he had mentioned, would make close inquiries by the aid not only of War Office officials, but of independent men. He had taken up this matter in no party spirit, and he would be glad to receive an assurance from the Government that they understood and appreciated its importance and difficulties. Their Army should be like a clock wound up, and only requiring the pendulum to be touched in order to set its vast and complicated machinery in motion. Instead of that, if an emergency arose, he feared they would have chaos, confusion, and trouble. He knew that the responsibility rested with the Government; but the responsibility of that House was only second to theirs. And what satisfaction would it be when great disasters occurred to be able to lay the blame on this or that Government? What satisfaction was it to the French nation? It was because he felt that he could not accept the responsibility of being silent—having an opportunity of speaking that few cavalry officers had—that he ventured to bring this Motion before the House, feebly and imperfectly he was well aware, but to the best of his ability, and with a sincere desire not to trespass unduly upon the time of the House. The hon. and gallant Member concluded by moving the Resolution of which he had given Notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, considering the smallness of the Force, it is expedient to at once take steps for providing a sufficient reserve of men and horses for the Cavalry,"—(*Mr. Reginald Talbot.*)

—instead thereof.

Mr. BROWN said, that while some of the remarks which had been addressed to the House would be of great use to the nation, he thought, generally speaking, it was a subject which could not be properly discussed there. He agreed that our present cavalry system was inelastic, and might be much improved; that it was a system which suited old times, but did not meet modern requirements; but at the same time, he thought that, as far as the horses were concerned, a large cavalry reserve in time of peace would be unnecessary. As to the purchase of horses, he also agreed that the present system was unsatisfactory. The great evil of the present system was that it tended to keep up the price of horses. To take a common case, four or five colonels attended a fair in Ireland in person, and although they did not bid against each other, the dealers knew what they were about, and took advantage of the competition to run the price up to the maximum allowed by the regulations. It appeared to him the simplest thing in the world to take the purchasing out of the hands of the colonels, and transfer it to one person who should buy for the whole cavalry service, as was done in the case of the artillery horses. Another evil of the present system was that light horses were attached to heavy cavalry and heavy horses were attached to light cavalry, according to the fancy of the colonels. With regard to the reserves of men he would point out that the right hon. Gentleman at the head of the War Office had the power to create these reserves by simply applying to the cavalry service the Short Enlistment Act which was passed three years ago. That Act had been applied to the infantry, and he hoped no time would be lost in applying it to the cavalry. In connection with the remark of the hon. and gallant Gentleman the Member for Stafford (Captain Talbot) as to the scarcity of horses, it had been said that a great number of horses would be re-



quired by us in the event of war breaking out. But we had established new means at our command, and machinery was coming to our aid to help us in the movement of our supplies; and the result would be that a smaller number of horses would be required than had been expected. Now, the hon. Member proposed a plan by which farmers should be lent horses by the Government. But in his opinion that would be a very good plan for the farmers but a very bad one for the Government; for the Government would only use them in time of war. But we wanted horses for the Autumn Manœuvres, and he should like to ask the hon. Gentleman if farmers would be willing to let their horses go in time of peace when they wanted them the most for the harvest.

LORD EUSTACE CECIL said, he had the honour of bringing this subject forward in 1871, and he then hoped to obtain an answer from the right hon. Gentleman the Secretary of State for War. He brought it forward again in 1872, and also again in 1873, on which latter occasion he drew the attention of the House to the fact that the Germans reckoned one horse to four men, and we one to 15 men. He also pointed out that we were deficient in our Reserves. He quite agreed that that House was not the United Service Institution; but it was a place where attention might be called to the great deficiency of our cavalry horses and reserves with advantage. What he complained of was that nothing had been done, notwithstanding that the attention of the Government had been several times called to the subject. It was true that we were not threatened with a foreign war; but the old proverb told us that if we wished to avoid war we must be prepared for it in case it broke out. He was not present when the right hon. Gentleman made some remarks on the War Estimates of the present year; but, as he read the Report, the right hon. Gentleman said—"If you want horses you must vote the money, and I will buy them." But he was now rather shrinking from his responsibility.

MR. CARDWELL stated that what he said was, that a Committee had been appointed by the House of Lords to consider the cheapest mode of obtaining horses; but in his opinion the best plan was to wait until horses were wanted

and then go into the market and take care that good ones were bought.

LORD EUSTACE CECIL: But in what position did this leave us? Supposing we waited for a war to break out, and then went into the market to buy horses, were we likely to get them? Would it not be more prudent to secure a sufficient supply of horses in reserve, to be brought into the field at a moment's notice, without being dependent on any market whatever? He hoped that the right hon. Gentleman would tell the House what course he intended to adopt? On the question of the Government stud he made no observations. Sending round the country a number of stallions would much improve the breed of horses. Did the right hon. Gentleman mean to wait till the Committee of the Lords had reported, or did he mean to have a Committee of military men to consider the whole subject? Would he be prepared, when the Army Estimates were brought forward next year, to express his views? He (Lord Eustace Cecil) thought the nation ought to be prepared at once with a sufficient stock of cavalry as well as of artillery, ready to take the field at any moment.

COLONEL KINGSCOTE said, he regarded the subject as one of great importance to the country, and as the Resolution only dealt with one branch—the supply of horses—he regretted that the hon. and gallant Member for Stafford (Captain Talbot) had brought his Motion forward without waiting until the Committee sitting in "another place" had made its Report. He thought that if war broke out to-morrow the nation would have very great difficulty in finding cavalry horses, and still more difficulty in finding reserved horses, the dearth of horses was so very great. The cart horses throughout the country also had become exceedingly scarce, and the right hon. Gentleman at the head of the War Office was buying French horses for service during the Autumn Manœuvres. He concurred in the recommendation of the hon. and gallant Gentleman opposite, that the Government should go into the market and buy horses three years old, and they would then have the pick of the market, and enable the farmer to get a remunerating price for his horseflesh. At present the farmers could do better by producing beef and mutton; but if they could get a market

for their three-year-olds they would breed horses with profit to themselves and with advantage to the country. If that course was adopted, he thought they could afford to dispense with a Government breeding establishment. Then the cavalry and artillery cast horses every year. Why should not these horses, by being cast at the proper time, be utilized for the Autumn Manœuvres? In that way a great saving might be effected. He hoped that due consideration would be given by the authorities to the suggestions which had been thrown out.

COLONEL EGERTON LEIGH said, his experience had convinced him that our cavalry had always been stinted and starved, and of late years its inefficiency had been increased. The horses were not so good as they used to be, and the removal of officers from their regiments to Sandhurst was not a step in the right direction. Sending men to their regiments for a year and then sending them to school again was not the proper thing to do. There was nothing the cavalry were employed to do at the Autumn Manœuvres which might not be done from Aldershot, where the horses would be under cover at night. He understood that the number of hours on an average that the horses were employed, exclusive of Sundays, was eight a-day, and when they returned they were picketed, not 5 per cent of them lying down. The consequence was that there was no end of broken knees and other injuries. There was no doubt there was a want of officers, and if, instead of the Autumn Manœuvres, we had been engaged in real service, we should have been without officers in a month. In his time we used always to buy horses at three years old, and the system was a good one. Many persons, when they bought a baddish four or five-year-old, used him at once; but no one would think of using a three-year-old at once. We should buy nothing but three-year-olds and good ones, and if we could not get a good horse for a small sum we must give a larger one. That was the system which would succeed. We had not sufficient horses, nor men enough for those horses. It was all very well to say "a man for a horse;" but in his opinion the men ought to be increased in a greater ratio than the horses, and the horses ought to be good, unless, indeed,

we were prepared to have a band of donkeys to carry out our arbitration policy.

SIR HENRY STORKS observed that the real question was entirely one of demand and supply. If money were no object, it would be very easy to have a very large force of horses; but the question was really one of expense. The hon. and gallant gentleman the Member for Stafford (Captain Talbot) began his observations by referring to what he called the centralization system of the War Office. Now, on the part of his right hon. Friend the Secretary of State for War and the Office over which he presided, he would repeat what he had formerly stated, that if there was one object more than another which he had at heart it had been to de-centralize the War Office—to allow general officers commanding districts to command their own districts, and officers commanding regiments to command their own regiments. That was the policy which he had faithfully pursued. Of the three propositions laid down by the hon. and gallant Gentleman, the first was that the cavalry should be sufficient. He would leave his right hon. Friend to explain to the House his policy and the steps he had taken to maintain the cavalry in a state of sufficiency and efficiency as regarded numbers. With regard to the cavalry being ready to take the field, the hon. and gallant Gentleman knew that regiments of cavalry varied in strength; some regiments were of larger proportions, both as regarded men and horses, than other regiments. He had no hesitation, however, in saying that those regiments which were destined to go abroad were quite sufficient for the Army to which they would be attached; and as regarded maintaining cavalry in the field, he had no hesitation in saying that we should be able to maintain the cavalry as well as during the Crimean War. The hon. and gallant Gentleman referred to the great review in the Crimea where there was only one squadron on the ground composed of heterogeneous materials. Now, if he referred to the review at the close of the war, at which the Russian Generals assisted, it was quite true there was only one squadron present, and that was of the 11th Hussars. The rest of the cavalry had been removed to the Bosphorus, where an equally striking review was held by the

Sultan, at which 14 regiments were present, less one squadron of the 11th Hussars left in the Crimea for orderly duties, both men and horses being perfectly capable of taking the field, if operations had continued. These regiments were perfectly complete, and if the hon. and gallant Gentleman would move for a Return of the force, he would lay it on the Table. The number of horses required for re-mounting the Cavalry, the Royal Artillery, and the Army Service Corps was about 1,500 annually. The cavalry were re-mounted entirely in Ireland, with the exception of the 9th Lancers. The horses bought were generally three and a-half years old—they were reckoned four years old in October. At present it might be interesting to know what the state of the mounted services was. On the 2nd of June the establishment of horses of the cavalry, artillery, and engineers (exclusive of India) were 14,033; of which there were effectives 13,894. We wanted 132 horses to complete the Cavalry, six in the Artillery, and one in the Royal Engineers. As to the age of horses, there were under five years of age 948 in the cavalry, 194 in the artillery, and 18 in the engineers, making a total of 1,160 under five years old. Speaking generally, no one could say these were not horses of the right age and stamp. He was sure the hon. and gallant Member would be very sorry to put a trooper of his own regiment on a three-year old horse. Looking to the number of horses—only 1,500 annually—required for the public service, he thought under the present system arrangements were admirably managed, and the regiments perfectly efficient. Commanding officers were perfectly satisfied with them, and he did not think they would be satisfied if the horses were bought by any other means. The course pursued in the Artillery was to purchase horses from the dealers; the Deputy Adjutant General of Artillery passed them after inspection, and then they were drafted over to the regiment. The hon. and gallant Gentleman had made some rather severe remarks with reference to the horses with which he was more particularly concerned for the Autumn Manœuvres last year. Now, he distinctly and emphatically denied that statement. He thought those horses were of very fair average, admirably

suit to the purpose, and they did their work remarkably well. The hon. and gallant Member should consider under what circumstances those horses were provided. He had not the power to buy them when he liked—he was limited as to the period of purchase. He must have them as soon as he could within a given time. The House only voted a certain sum of money for the Autumn Manœuvres, and he was bound to economize that sum as much as possible. It was said he ought to purchase by tender, but that would only lead to dealers bidding against each other. Then it should be remembered that two-thirds of the horses used at the Autumn Manœuvres were foreign horses. Who was to go to the Continent to buy horses for him? He was obliged to buy through a dealer, and the contract had been very well performed. He had passed 60 horses that morning, and having inspected them, he might say they were for the greater part of a good stamp. [Mr. OSBORNE: How much did you pay for them?] Well, horses all over the world had risen in price. He was paying £47—an increase of £5 on last year; and he thought himself very fortunate in getting them at that price. Undoubtedly the horses last autumn when sold did not fetch a very good price; but there were reasons why. In the first place, they were worked very hard, and they were driven by men who were inexperienced in driving. Having introduced the system of regimental transport, it was quite impossible to have drivers so trained and so careful of their horses as he hoped and as he was sure they would become with more practice. It should also be borne in mind that the stable accommodation for these horses was not of the very best description; for if he had come down to the House and called for a large sum of money to provide stabling many hon. Members on both sides would have questioned the prudence of such a Vote. Probably, there had not been for many years a season of such continued rain and bad weather as that which followed the Autumn Manœuvres. Well, of course, horses, like other people, suffered from that kind of weather. At all events, he thought horses caught cold as well as we did. However, these horses were well cared for, and fetched an average price of £23 9s. 11d. all round. His hon. and gallant Friend

*Sir Henry Storks*

had asserted that the Government lost £40,000 by the horses; but, at any rate, a great deal of work was got out of them, and if the Government had contracted for the same amount of work, he thought it would have cost quite as much. The horses they were now buying were for the most part young ones—generally five, six, or seven years old. He believed there was not one above 10 years old. The hon. and gallant Gentleman knew perfectly well that we had a certain number of dismounted men, because it was impossible to have a horse for every man. Indeed, Colonel Baker always advocated having a large number of men with a very small number of horses. The great object of the Committee which was examining this question, and which was nearly ready to report, had been to lighten the weight of the cavalry by taking away from them everything that was not absolutely required. He would now make a few remarks with reference to providing reserves of horses. The proposal in regard to a stud was one which few hon. Members would advocate, as its establishment would be extremely costly. In breeding horses we had what was bred—namely, a very uncertain production, whereas by purchasing in the market, we got what we required, as we need not take a horse unless we liked it. Again, Government farming would render another new establishment necessary; but his opinion was, that Government establishments ought to be as few as possible, and therefore he thought it was far better to go into the open market and buy when and where we could. In conclusion, he promised to attend to many of the valuable suggestions which had been made in the course of the present discussion.

COLONEL BARTELOT concurred in some parts of the statement made by the right hon. and gallant Gentleman the Surveyor General of Ordnance, especially that part wherein he said that officers commanding cavalry regiments did at the present moment obtain a very good class of horses. He also agreed with the right hon. Gentleman that it would be unwise to overburthen ourselves with more horses than we required; but he was unable to endorse the statement that it was inexpedient to purchase horses at less age than four years. The right hon. and gallant Gentleman said,

indeed, that horses were purchased at three and a-half years old in the month of October, but he omitted to mention that they cost as much as four-year-olds. The right hon. and gallant Gentleman ought to have gone a step further, and said that if horses were purchased at four years, or at three years and six or ten months old, we were certain to have a large number of competitors. Foreigners, and especially Frenchmen, would come over to compete with us for horses of that age, but not for three-year-olds, and therefore we ought to purchase horses at the age of three years. His hon. and gallant Friend the Member for Wenlock had argued that it was not necessary to have a reserve either of men or of horses; but the opinion of the War Office was decidedly in favour of a system of reserves. He wished, however, to give the right hon. Gentleman opposite (Mr. Cardwell) an opportunity of explaining how the cavalry reserves were to be obtained. The right hon. Gentleman had found he could not apply the system of short enlistment to the cavalry or artillery, and he wished to know what course the right hon. Gentleman proposed to adopt in case of emergency. Perhaps it might be said the horses might be procured on the spur of the moment; but the plan would not answer as regarded men, and it was well known that the horses which were bought in a hurry during the Crimean War were far inferior to those originally sent out. He contended that if we were to be in a complete defensive state, we should not only have a proper reserve of infantry, but of cavalry and artillery.

MR. CARDWELL said, he was not in the least degree inclined to charge the hon. and gallant Gentleman the Member for Stafford (Captain Talbot) with presumption for having brought forward the Motion, or to complain of the tone and temper of his remarks; neither had he the smallest inclination to deny the great importance and interest of the subject to which the Motion referred. He should have great pleasure in answering the question addressed to him by the hon. and gallant Gentleman opposite the Member for West Sussex (Colonel Barttelot). It was always gratifying to meet with converts. He was not quite certain whether the hon. and gallant Member for West Sussex was a convert to the system of having reserves

of cavalry by means of a shorter period of service or not; but the hon. and gallant Gentleman who brought forward the Motion did, upon a recent occasion, avow himself to be a convert to the system of short service. He (Mr. Cardwell) hoped to see the day when this system of short service would be applied to the cavalry as well as the infantry. The noble Lord the Member for West Essex (Lord Eustace Cecil) had said he had brought forward the question three times, and complained that nothing had been done; but the fact was that something had been done—for instance, he had before him a Return of the number of cavalry in this country. There were 23 regiments, 8,053 rank and file, and 6,242 horses in 1857; 19 regiments, 8,949 rank and file, and 6,346 horses in 1868; and 22 regiments, 10,422 rank and file, and 7,661 horses in 1873. Therefore, the first answer he had to give to his hon. and noble Friend was that the absolute number had been considerably increased during the last four years. Preparations had also been made for obtaining a reserve by short service. In 1870 he passed a Bill into an Act for that purpose; but the hon. and gallant Gentleman the Member for West Sussex (Colonel Barttelot) asked him why the system of short service had not yet been introduced for the cavalry as well as for the infantry. Now, although the labour market had been in an exceedingly abnormal state, the cavalry recruiting had been going on extremely well. The numbers were “up,” and we had now arrived at a period of transition, because by the new scheme of localization a new and local mode of recruiting had been introduced throughout the country. It was, therefore, the opinion of the principal military authorities in this country, and of those by whom he had the honour of being advised, that it would not be expedient at this particular moment to introduce any change in the system of cavalry recruiting, and it was thought better to do nothing until the new system of re-organization was actually introduced. With regard to the cavalry reserve, it was also thought more expedient to wait for the new system than to disturb the recruiting that was now going on. With regard to horses, the hon. and gallant Gentleman the Member for Stafford, while he mentioned several suggestions, adopted none, and said that the present

*Mr. Cardwell*

mode of purchase was the most judicious. He also quoted the opinion of General Blumenthal, who said that the English cavalry were second to none, either in men or horses. The Horse Guards and the War Office wished the cavalry force to be adequate and elastic, and every measure would be resorted to in order to give effect to the object which the hon. and gallant Gentleman had in view. The House, however, would not be prepared to come to a Resolution which declared virtually that the Army Estimates ought to be increased, and he trusted that the hon. and gallant Gentleman would be satisfied with the discussion that had occurred.

Question put, “That the words proposed to be left out stand part of the Question.”

The House *divided*:—Ayes 128; Noes 68: Majority 60.

Main Question, “That Mr. Speaker do now leave the Chair,” again proposed.

#### MASTERS AND SERVANTS—LAW OF CONTRACT.—OBSERVATIONS.

Mr. VERNON HARCOURT, in rising to call attention to the Law affecting the contracts of Masters and Servants, and the Law of Conspiracy in connection with the recent conviction of the gas stokers; and to move—

“That the Common Law of Conspiracy, as declared in the case of the *Queen v. Bunn* and others, ought to be amended, limited, and defined, and that where Parliament has prescribed limited penalties for particular offences, it is inexpedient that more grievous and indefinite punishments should under the form of indictments for conspiracy be inflicted for agreements to commit the same offences; and that the exceptional laws which enforce the civil contract of service by criminal penalties are unjust in principle and oppressive in their operation and ought to be amended,”

said, nobody could reflect on the character of the question with which the Motion dealt, without feeling that he undertook a very grave responsibility in addressing himself to it. The House would, no doubt, recollect the ineffectual attempts he had made last year to get the question of the laws affecting labour discussed in the House of Commons, and that he had then been rebuked for bringing it on in an irregular manner. On that occasion, he predicted that mis-

chief would occur in consequence of the question not being fairly met in the House of Commons. The Home Secretary replied in effect—"Let us wait to see the law worked out by the Judges and the magistrates of the country?" Well, they had waited, and seen it worked out, and what was the result? The result was, that within six months two important sentences had been passed—one by a Judge and another by a bench of magistrates—sentences of which, wishing to speak with moderation, he would only say that they had not been ratified by the public opinion of the country. That was a condition of things which was dangerous to society, and it justified him in asking the House of Commons to consider the law which resulted in such effects. They had seen batches of men sent to prison, under sentences which a responsible Government had thought it necessary to commute—they had thought it necessary to remit at least two-thirds of the sentences passed by the highest tribunals of the country. The House had also seen what he might describe as a whole village of women sent to prison, under a sentence which had been treated by the right hon. Gentleman the Secretary of State for the Home Department, in a manner of which he need not remind hon. Members; and whatever might be the judgment of the Government on these sentences, the judgment passed by the sentiment, the conscience, and the opinion of the country had been, at least, as severe. There was a very strong feeling among all classes of the people of this country, and, especially, among the class mostly affected by this matter, the existence of which it was idle to deny. Indeed, the meeting in the Park last Monday showed what was thought of the law by the working classes. But with meetings out-of-doors the House had nothing to do; it was in the House of Commons that errors, if they were errors, could be best corrected, and grievances could alone be redressed. He could not follow the course which had been taken by the right hon. Gentleman in endeavouring to shift the responsibility, either from the Government or the House of Commons, to the shoulders of the magistracy. Magistrates were attacked because they were clerical and because they were unpaid. He had always thought that ecclesiastical per-

sons should be confined to spiritual functions; but he did not believe for a moment that magistrates, because they were clergymen, were likely to act harshly in administering the law, especially to the humbler members of the community. He was not going to attack the magistracy or Mr. Justice Brett, by whom the sentence most complained of had been pronounced. All those who knew Mr. Justice Brett esteemed him for his high character, respected him for his learning, and knew that on the Bench as elsewhere he would perform his duties according to his conscience. They could not shift the responsibility on Judges of the land which they ought to bear themselves for making bad laws. Legislation of the description he was alluding to commenced shortly after the Commission on Trades Unions. The Trades Unions Act declared that trades unions, unaccompanied by molestation of workmen who did not belong to them, were not in themselves illegal. Before sitting in judgment upon the Judges or the magistrates, who had done their duty according to their lights, the House had better look nearer home and see whether these results were not the natural consequences of what he believed to be rash and inconsiderate legislation. Parliament must not, as King John did to Hubert, and Henry II. to the murderers of A'Beckett, condemn men who had been really only the instruments of their will. The results were due to legislation against which he had often protested—a system of piling up misdemeanour upon misdemeanour and crime upon crime; wanton legislation which established a sort of chaos in the criminal law, and was only tolerable because it was not executed. When, therefore, men who were appointed to execute the law really did execute it, Parliament shrank back, and shuddered at the ferocity of the laws itself had made. To the question—"Why did you do this thing?" the simple answer of the magistrate would be—"Because Parliament bade us do it." He did not intend to meddle with the Master and Servant Act, which was in the able hands of the hon. Member for Sheffield (Mr. Mundella); but he would call attention to the Trades Unions Act, and the Criminal Law Amendment Act of 1871, the object of which was, while providing against unjust menaces, intimidation, and molesta-

tion, to declare that combination for trade purposes was not illegal, and that, as long as trades unionists kept clear of menaces, intimidation, and molestation, they should not be subject to criminal offences. Practically, the legislation of 1871 repealed the old Common Law doctrine against persons acting in restraint of trade, and trades unions were legalized, Parliament following in this respect the example set in 1864 by the Emperor Napoleon. The Act which was passed in 1871 was intended to be impartial, giving mutual remedies on either side, but in its operation it had proved to be one-sided. Having called attention to the action and intention of Parliament in that year, he would now refer to the celebrated case of the gas stokers' strike. A certain man named Dilley was dismissed from the employment of one of the gas companies, and the men struck. They declined to continue their services unless he was restored, and the extent of the threats and violence they employed was this, and this only—that they simultaneously announced their intention of leaving. True, they were under contract; but the offence of breach of contract was a separate and different matter from the present question. That there was nothing beyond breach of contract in the conduct of the men was clear from the language of the Judge, who distinctly stated that there were no threats, no molestation, nothing at all, except an intimation of their intention to leave the service of their employers—

"You may take it for granted," said Mr. Justice Brett, "that whatever was done was not done by threats or by personal violence, either towards their employers, or the manager of the works."

Apart then from breach of contract, there was nothing in the course pursued by the men which, according to the principle intended by Parliament in 1871 to be established, ought to have been regarded as illegal. He spoke not with respect to the law, but with respect to the intention of Parliament. Indeed, the determination of the men to leave the service, so expressed, ought to have been regarded as unquestionably legal. Well, what happened? Twenty-five of the men were proceeded against under the Master and Servant Act for breach of contract. Now, the most extreme advocates of trades unions did not justify the

conduct of the men in breaking their contract. They were summoned under an Act which Parliament had provided to meet such an offence, and they were sentenced to six weeks' imprisonment, just one half of the most extreme sentence that could be possibly passed. The stipendiary magistrates of London—men as competent as could be found anywhere to administer the law—thought that an adequate sentence under the circumstances; and for his part, he should have thought that the sternest capitalist would have regarded it as sufficient to meet the justice of the case, and that it was calculated to reassure the most timid gas consumer. But it was considered that something more than Parliament had determined should be the punishment for breach of contract should be discovered, and accordingly recourse was had to the most ingenious of created beings—a special pleader—and it was thought how the declarations of the Trades Unions Act and the Criminal Law Amendment Act of 1871 that combinations of trades unions should not be illegal, might be evaded and defeated. Accordingly, an indictment was drawn up, taken out of the rusty armoury of the Common Law. They furbished up the old instrument of the ancient common law of conspiracy, which he need not tell any lawyer had long been the scandal of English jurisprudence. In a sentence passed upon it by Mr. Justice Talfourd, he said that it consisted not in the accomplishment of any unlawful or injurious purpose, but in the actual concert of two or more persons to effect something which, owing to such concert, became indictable, and he added that it was not easy to understand on what principle conspiracies had been holden indictable, when the thing to be effected was not regarded by the law as unlawful; and he asked if there were no indictable offence in the means, in the end, or in the concert, in what did the offence consist? Could several circumstances, each in itself lawful, make up an unlawful act? Another authority well known to lawyers, Mr. Roscoe, said—

"The law of conspiracy leaves so broad a discretion in the hands of the Judges, that it is hardly too much to say that plausible reasons might be found for declaring it to be a wrong to combine to do anything which the Judges might consider to be morally wrong, or politically, or socially dangerous."

*Mr. Vernon Harcourt*

Such was the English law of conspiracy. Under that law two sets of counts were framed. One was founded upon the breach of contract. The other set, founded upon no breach of contract, but which, according to the learned Judge, were equally good, even supposing there had been no contract at all, in the vituperative jargon of the criminal law, charged the defendants, being evil disposed persons, unlawfully and wickedly contriving to injure and annoy the company, and force it to make alterations in its mode of conducting trade, that they had unlawfully conspired, by divers unlawful means, contrivances, threats, and menaces, to induce the company to alter their mode of conducting their business. The serious part of the matter was that the jury, who possessing a sounder judgment upon the question than was exercised by the learned Judge, declined to convict upon the latter set of counts, had been informed by the learned gentleman that the counts were good in law, and that there was evidence upon which they might convict under them. The effect of that direction was this, that in spite of the Act of 1871, an agreement among any set of men to induce a man in trade to alter his mode of business was an offence punishable by 12 months' imprisonment, with hard labour; and if so, every trade union might be called a conspiracy, for the very essence of such unions was to induce masters to alter their mode of conducting their business, and the ruling of the Judge would in effect repeal the spirit of the legislation of 1871. No man could safely act upon the law of 1871 while that common law of conspiracy remained in force. If men working for 10s. a-week agreed to demand 12s. they would be guilty of that offence, and men who agreed to work eight hours a-day instead of 10 would by such agreement have wickedly conspired to induce their employer to alter his mode of business. That had been declared by one of Her Majesty's Judges to be a conspiracy at common law, and they must get rid of that declaration if they did not wish to repeal the legislation of 1871. He should like to hear the opinion of his right hon. Friend the Secretary of State for the Home Department, and of the hon. and learned Gentlemen the Attorney and Solicitor General on the subject. Were they disposed to say that what Mr. Justice Brett had declared was not

the law? For his part he was not prepared to say so, and he thought no person in the country could safely act as if it were not the law. His right hon. Friend, indeed, had been good enough to tell him a few days before, that a decision had been given by another Judge in a somewhat different, if not a contrary sense; but if that were so, it seemed to prove the proposition laid down in the first part of his Resolution—

"That the Common Law of Conspiracy, as declared in the case of *The Queen v. Bunn* and others, ought to be amended, limited, and defined,"

because if two Judges differed in laying down the law, that fact furnished the best of all reasons for amending and defining it. He had not troubled the House with the directions of the learned Judge upon those points; but it was held that there was an improper molestation if anything was done with an improper intent, or which might be thought to be an annoyance or an unjustifiable interference which would have the effect of annoying and interfering with a man in the conduct of his business. Now, if a number of domestic servants went to their master and said that unless he raised their salaries they would leave him, was that, he would ask, to be regarded by the law of England as an offence which was to be punished with a year's imprisonment with hard labour? If that were so, he must, he thought, be held to have established the first part of his Resolution, that the Common Law of Conspiracy required to be amended. He now came to the second part, and with reference to that, he had to observe that 25 men had been punished under the law, the great majority of them with only six weeks' imprisonment. There were five, however, who were *in pari delicto*, and they were proceeded against not under the Master and Servant Act, but on a count in an indictment for conspiracy, and they were sentenced to 12 months' imprisonment with hard labour. Now, was it not an invidious circumstance, as well as a great anomaly, that by merely varying the form of the indictment a man should get eight times as severe a punishment as was inflicted upon another for the same offence? He did not mean to contend that there might not be cases in which the combination of men to do a thing might not constitute a more aggravated offence, than when a



thing was done by a single individual; but it was no good reason because combination might in certain circumstances be more dangerous, that the House should refuse to define the punishment in the way which he proposed. One of the sagacious Acts which the House had recently passed had developed itself within the last few days in a manner which partly entertained and partly shocked the public mind. Under that great Act—he referred to the Parks Regulation Act—it appeared that some people had on Whit Monday been hauled up by the police and punished for skipping; so that skipping on Whit Monday was now one of the crimes and misdemeanours which were punishable in this country. Then there was the dreadful offence of fishing and catching minnows in the Serpentine—whether anybody had been bold enough to take a piece of soap to the bathing-place he did not know. But if the Government were not satisfied with the severity of the punishment which had been inflicted on those who skipped and fished for minnows in the Parks, all they had to do was to lay a common law indictment for conspiring to skip or fish, contrary to the will of the First Commissioner or whoever might be in charge, and then they might succeed in committing the offenders to 12 months' imprisonment with hard labour. The same remark applied to two or three persons conspiring to carry a piece of soap in contravention of the law. It was clear, then, that the time had come when something must be done, and he advised those who thought they understood the law of conspiracy to read the able work on the subject of which Mr. Wright was the author. The fact was, neither lawyers nor anybody else could form an adequate or clear opinion on the subject, and that being so he had, he thought, established the second part of his Resolution—that this loose law of indictment for conspiracy, founded upon a statutable offence, should be dealt with, and codified in a manner in which it had not yet been dealt with. The third part had reference to the law of master and servant, and the Act of 1867 was, no doubt, a great improvement upon the chaos of injustice that previously governed the relations between master and servant. It was conceived in a very different spirit, and Mr. F. Harrison, the able advocate of the cause of trades unions, had ac-

knowledgeed the fairness of that spirit, however much he might have found fault with the results. In 1867 a careful attempt had been made to make the law impartial as between employers and employed, but the result was, nevertheless, in his (Mr. Harcourt's) opinion, extremely one-sided. It left, at all events, the remarkable exemption that, out of all civil contracts, one contract alone was enforced by the cruel arm of the criminal law—the contract of master and servant. The same law which was to be found in the Master and Servant Act was applied also to our merchant shipping, and he had read with sorrow—he might almost say with dismay—in the Reports of the Board of Trade, that some convictions had occurred under the law, by which the contracts of sailors enlisting in the merchant service had been enforced, not by a clerical or an unpaid magistrate, but by a stipendiary magistrate at Cardiff, who committed men to prison who afterwards pleaded that they had broken their contract because the ship in which they were to embark was not seaworthy. They had not, however, been in prison many days before they were released, because it had been determined that they had broken their contract to save their lives. It took days and sometimes weeks to examine a ship, and they had a law which kept a seaman in prison under a labour contract until an investigation had proved her to be unseaworthy. In this case, the men were kept in prison during the process of the investigation, and when found innocent, were discharged without any compensation for the false imprisonment they had undergone. One of the things which most shocked him in the tone of opinion now-a-days, was the levity with which they were apt to regard the punishment of imprisonment. It was a saying of Mr. Wilkes', that the worst use they could put a man to was to hang him. In his (Mr. Harcourt's) view, one of the worst things they could do with a man was to put him in prison, because it degraded him both in his own estimation and in that of his fellows. They took one class of contracts out of the whole category—contracts which affected alone one class of individuals, and they enforced their observance by the penalty of imprisonment. The most eminent authorities to whom he had spoken had declared that they could not

*Mr. Vernon Harcourt*

find any justification for such a law, which was in itself unjust, invidious, and cruel. Legislation of that character became the more odious and the more dangerous when it was remembered that it took its origin in a Parliament which was necessarily a Parliament of employers, and was administered by magistrates who also belonged necessarily to the class of employers, whose interests were adverse to the interests of those against whom that legislation was directed. He might be told that it was necessary for the trade of the country to retain that anomalous and invidious distinction in regard to labour contracts; but he maintained that nothing was good for the trade of the country which left a just sense of dissatisfaction in the minds of that numerous class on whom, after all, the prosperity of our trade so greatly depended. If a man dishonoured a bill of exchange, those whose arrangements were based on that bill of exchange might be ruined; if banks broke; if insurance offices, on whom a man built the future hopes of his family, became insolvent, wide-spread ruin was the result: yet they did not send those who caused those disasters to prison, in the absence of fraud, as they did the workman who was charged with breach of contract. If they took as their test the irreparable nature of the consequences ensuing from a breach of contract; why were they not consistent in extending it to all other cases, and why did they apply it alone to that class of the community who were not there to remunerate against such a law. In the case of a breach of promise of marriage, accompanied often by seduction, the law did not sentence the offender to imprisonment; but where proved, stopped at a pecuniary penalty, calculated according to the nature of the case and the circumstances of the parties. A poor man made, perhaps, three contracts, and broke them all—one of them a contract for service, and two other contracts; but the law only sent him to prison for a breach of the one. The unfortunate man could not pay in purse; but then the Master and Servant Act was called in aid of the criminal law, and under it he was thrown into prison. Now, if that was not class legislation, he (Mr. Harcourt) did not know what class legislation was. The gas stokers, it was said, had produced a great public danger and

injury to the country, and therefore they deserved to be sent to prison. But suppose that the coal-owners had broken their contract, by refusing to send the usual supplies of coals to the gas companies, and that in consequence the metropolis had been plunged into a state of darkness and confusion, would the law have sent them to prison, in the same way as it had sent a few gas stokers to prison, for endangering by their action the safety and convenience of the inhabitants? But it was said that those who could not pay in purse must pay in person; that was an old and barbarous doctrine, belonging to the ruder ages of civilization. They had abolished imprisonment for debt in all cases, except in those which came within the jurisdiction of the County Court, and those were the poorer classes of society; and with regard to that one, he hoped that his hon. Friend the Member for Derby (Mr. M. T. Bass) would succeed in clearing away from our Statute Book that last remnant of a barbarous law. He thought that when the people became sufficiently intelligent to understand their real condition, they would decline to enter into any contract. If they came to that conclusion, he could not blame them. To tell men that the breach of such a contract involved the sacrifice of their personal freedom, was to strike a heavier blow at those contracts than could be done in any other possible way. To guard himself against possible misconstruction, he admitted that the State was justified in applying to the Army and Navy, rules which could not and ought not to apply to matters which only concerned private gain, because such rules were required for the general security of the country. For the purpose of defence, he would say, that he should have brought in a Bill upon this subject; but everyone knew how impossible it was for a private Member to effect legislation without the active assistance of the Government. For instance, the hon. Member for Brighton (Mr. Fawcett), in respect to his great University Bill, which contained but two clauses, would have found it utterly impossible to carry his measure through Parliament without the co-operation of Her Majesty's Government. He had, therefore, sought to invite the consideration of the Government and the House to the question, because on them the responsibility of

the existing state of things must rest. He had no fear for the trade of the country by dealing with the question, neither did he share the alarmist views entertained by many in regard to strikes and other subjects. There had been great strikes in the coal and iron trades; but he was not aware that those industries were on the verge of ruin; indeed, he believed that no class were making larger fortunes than the proprietors of iron and coal mines. It was not the strikes or the trades unions which had raised the price of coal. A large coal-owner had told him that the price of coal within the last 12 months had increased 15s. per ton, while the rate of colliers' wages had increased only 1s. 6d. per ton. That increase of price was owing to other combinations, and to other causes over which the Legislature had not, and could not exercise, any control. Coercive legislation of the character upon which he was commenting would not solve the difficult problem which remained for solution between capital and labour, for all attempts which had been made to regulate those two enormous interests had failed. Capital and labour were two great natural forces which, like the waves of the sea, would not be dammed by such barriers as the legislature could raise. These forces must be allowed to find their natural level; the introduction of irritating influences would not prevent their operation, but only tend to make the political machine extremely hot in its bearings. The solution of these difficult problems could be found only in absolute freedom, rigorously applied without fear of the consequences—freedom between masters and men, freedom, above all, between man and man. If anything was more detestable than the oppression exercised by the superior over the inferior, it was that worst form of tyranny, the tyranny among equals themselves. The speech by Lord Fitzwilliam, reported in *The Times* that morning, was worthy of the name he bore. Lord Fitzwilliam said he never would, for the purpose of encouraging trade, or for any consideration whatever, be a party to a system which would allow of one man oppressing another for the purpose of pursuing the objects of a combination. In that sentiment he (Mr. Harcourt) cordially concurred. He trusted, in conclusion, the House would not think he had improperly

intruded this subject on its attention, and left it to the candid consideration of the Government and the free debate of the House.

LORD ELCHO said, he had listened with great pleasure to the able and temperate statement of his hon. and learned Friend the Member for the City of Oxford (Mr. Harcourt), and was sure no part of his speech was more cordially approved by the House than its closing sentiment, which insisted upon the necessity of securing perfect freedom between man and man. Having taken some part in legislation on the subject of contracts between master and servant, as comprised in the Master and Servant Act, he asked permission to make a few remarks, with a view particularly of correcting some misunderstanding and even misrepresentations which were current respecting the intentions of Parliament. The *gravamen* of the charge against the House of Commons was, that Parliament had acted unfairly and unjustly in the interests of capitalists, and contrary to the freedom and fair interests of labour. That was the sum and substance of the allegations, whether made in Hyde Park or upon public platforms. His hon. and learned Friend had also said, that Parliament was the place to correct misrepresentations, and it was fortunate the subject had been introduced to the notice of the House so soon after the meeting in Hyde Park. Had his hon. and learned Friend made himself acquainted with the evidence upon which the clause he complained of was framed, and had he inquired as to the motives of those who suggested it, he would not have lent the weight of his authority to the error that seemed to have taken possession of the minds of those who represented labour. The Committee which sat upon the question, and upon whose Report the Act was eventually founded, came to an unanimous conclusion, that in aggravated cases of breach of contract causing injury to the person or property of anyone concerned, the magistrate or sheriff, at his discretion, should have power to award the punishment of imprisonment instead of a fine. The Bill was drawn upon that foundation. Imprisonment was applied only to aggravated cases involving injury to persons or to property; but his hon. and learned Friend had not noticed the distinction between those

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cases and ordinary breaches of contract. He had spoken strongly against the Act, as though it applied the extreme punishment of imprisonment to all breaches of contract alike. That, however, was a distinction the Committee thought it necessary to draw. What had led to the Committee coming to that decision? Was it simply concern for the capitalist? On the contrary, he could state, for he acted as Chairman of the Committee, it was the result of evidence given by workmen themselves. Mr. Newton, Secretary of the Executive Committee of the trades of the United Kingdom appointed to promote an alteration of the law of master and servant, had given evidence before the Committee of the House of Commons. He there expressed a desire that the odious position in which the workman was placed should be improved, and "as nearly as possible approximated to the position of the masters in the matter of fines." Thus by using the words "as nearly as possible," clearly admitting that it was impossible to legislate in such a way as to put the rich and the poor upon an absolute equality in relation to each other, where a money penalty was inflicted. Mr. Newton further went on to say, that there could be no doubt that it would be necessary to protect both the masters and the men from open and wilful violation of contracts on the part of persons knowing that their acts would injure the employer, and, indirectly, their fellow-workmen. He went on to state, that he desired that all the laws which related to masters and servants should be placed in one statute; that masters and servants should be placed upon the same footing as to bringing actions against each other for breach of contract, both of which had since been adopted; and, thirdly, that in certain aggravated cases which could not be defined, it would still be requisite to give power to punish the workmen criminally for neglect of duty. He had however, another witness to bring into Court—into the Court of the House of Commons, where erroneous statements could be easily refuted if made—and that was a witness from the platform in Hyde Park, who had moved the manifesto which had been referred to—namely, Mr. Odger himself. Mr. Odger had stated before the same Committee, that although he had not turned

his attention to the point, he was of opinion that if it could be clearly proved that a workman had wilfully broken his contract, or been guilty of misconduct, and had thereby endangered life or property, to the injury of his employer or his fellow-workmen, there could be nothing unjust in enacting that he should be punished criminally; and he had added in reply to the hon. Member for Brighton (Mr. Fawcett), that it would be only reasonable to extend the same law to the masters. The law, however, was absolutely so in cases when, by neglect of duty, life and limb and property were imperilled. Mr. Odger afterwards qualified one part of his statement, by stating that it was sometimes difficult to draw a distinction between wilful and accidental neglect of duty. He thought that in the face of that evidence, he was justified in saying that the clause had been inserted at the suggestion and in the interests of the working men themselves, and not by the capitalists of that House, in order to oppress their workmen. [*Laughter.*] He saw a smile on the face of the hon. Member for Nottingham at that statement. The hon. Member appeared to think that no one who sat on the Opposition side of the House had any feeling or wish to benefit the working classes; but he (Lord Elcho) distinctly stated that the object of the Act was to do away with the iniquitous inequality in the law which then existed, and to put masters and servants on a more just footing in relation to each other. That part of the statute which authorized the workman who broke his contract to be punished criminally was drawn up with the view of protection of the working man. To show the feeling of the House when in Committee on the Bill he might say that the only difference of opinion manifested in connection with the subject was on the point, whether a summons should be taken out in the first place, or whether a warrant should be at once issued in the case of a workman breaking his contract, and by a large majority it was decided in favour of the first alternative. The Workman's Executive Committee had, however, authorized him to yield on this point sooner than endanger the Bill. That House had been recently denounced as a body of capitalists who were desirous of oppressing the working man, but Mr. Macdonald, the former Presi-

dent of the Miners' Association of Great Britain, who had taken up the cause of the working men long before Mr. Applegarth and Mr. Odger and others had attained notoriety, had stated, having had many years' experience on the subject, he had always found Members of both Houses of Parliament willing to take up questions for the benefit of the working classes and likely to tend to the social improvement of the community, and he went on to add that the House of Commons, however it might be constituted, had passed more beneficial laws, such as the Factory Acts, for the improvement of the working classes than any other body of men had done in the same number of years. Therefore, out of the mouth of one of the most able and intelligent working men he believed he had been able to justify that House in the legislation they had adopted, to the condemnation of certain libellous statements which had been made upon the subject. The question of the legislation between masters and men, however, should not be looked at in the light of recent decisions, either of magistrates or Judges, but according to the views held by the public at the time the Act was passed. What was said with reference to the Act, shortly after it passed by the chief organ of public opinion in this country? *The Times*, in a leading article, said—

"Among the Bills which received the Royal Assent on Thursday last was one which crowned a long series of measures of remedial legislation. The state of the workman has been improved; the Master and Servant Act puts the employed and the employers on an equal footing before the law."

And it went on in the same strain to say that the sound principles of freedom and equality were too powerful to be warped in the interests of master or workman. Soon after that, a public dinner was given to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) at Edinburgh. At that dinner, the right hon. Gentleman, speaking of the Act, said—

"In my opinion, a more important and beneficial law, and one which more sensibly improves the condition of the great body of the people, was never introduced and passed through Parliament."

The executive committee of the society, moreover, which represented the operative classes of the United Kingdom, in a presentation address, referring to this

*Lord Elcho*

Act said, the previous law "has been replaced by one which puts the employer and the employed on an equal footing." He thought from that, he had shown by the evidence of working men that the Act did credit to the heart and head of the House that passed it. His hon. and learned Friend in a precipitate manner asked an unlearned House of Commons to swallow a Resolution dealing with legal matters, and by a vote to decide that the law of conspiracy ought to be altered, and that the criminal part of the Master and Servant Act ought to be rescinded. What was the history of that Resolution? The ink with which it was written was scarcely dry. His hon. and learned Friend, between 1 and 2 o'clock that morning, laid before the Clerk at the Table that Resolution which was to alter the law of conspiracy and to repeal a most important statute which was passed after careful consideration. That was one of the most monstrous propositions he (Lord Elcho) had heard since he became a Member of the House. He offered no opinion on the question of conspiracy at common law, or how it should be dealt with; but he found fault with the form of the Motion that had been submitted to them, and that it should have been brought forward at a time when by the forms of the House no division could be taken upon it. He also complained that the terms of the Motion were not known until that morning. It was much too grave a question to be dealt with in that way; but if it was to be dealt with, it should be by the Government. Whatever defects were to be found in the Common Law of England, it was the law of a free people; and it was alike, in a great measure, the product of that freedom and its shield. If the Government dealt with it, they must be very careful how they repealed it, in part or in whole; more especially when it was to be done at the instigation of combinations which, whatever else they might be, or profess to be, were absolutely and knowingly intended to repress individual freedom both of will and action.

MR. OSBORNE thought that, whatever strictures might be passed upon his hon. and learned Friend the Member for the City of Oxford (Mr. Harcourt), he had done useful service in submitting to Parliament a question which was looked upon as of the utmost importance

by the great body of the working men in this country; and at the same time he was sorry to see the House manifest so little concern upon the subject as it did. The noble Lord opposite (Lord Elcho) was labouring under a delusion, for nothing could have been further from the intention of his hon. and learned Friend (Mr. Harcourt) than to make any attack upon the noble Lord, or to question the excellent motives by which the noble Lord had always been influenced in his endeavours to reconcile the interests of labour and capital, and more especially in the great and successful effort he made in the Act of 1867. Nothing could be more odious than the old system, under which trades unions and combinations of any sort among the working classes were looked upon, not only as illegal, but as positively criminal. The legislation initiated by the noble Lord, and by Lord Lichfield in "another place," had been most useful to the country and honourable to themselves. He thought his hon. and learned Friend was fully justified in bringing forward the question, and did not see how he could be blamed for bringing it forward at the time he had. Truly, he (Mr. Osborne) might ask, *Quis vituperavit?* There could be no doubt that this question of the gas stokers had given a very great shock to public opinion in this country. It was a peculiar question, because with regard to them, no man defended their conduct, but everybody deprecated the extreme severity of the sentence passed upon them; and though he was no sympathizer with persons who set class against class, he thought the House was bound to endeavour to rectify any defects there might be in the law. These men were tried upon two distinct charges. The first was illegal molestation, and the second conspiracy, by simultaneous agreement, to break their contract. They were not found guilty upon the first, but convicted upon the second; and, according to the Master and Servant Act of 1867, a conviction on the second charge would have carried with it a sentence of three months; whereas, in the present case, the sentence was 12 months' imprisonment. During his absence from the House he understood that the right hon. Gentleman the Secretary of State for the Home Department had, in answering a Question, reflected severely upon the clerical

magistrates in the Chipping Norton case. For his own part, though he wished to say nothing derogatory to those gentlemen, yet he thought it was unfortunate that anyone in clerical orders should occupy the position of a magistrate, because it was one which placed them in antagonism with people towards whom they should act as advisers and consolers. Nor had he anything to say against one of the ablest Judges on the Bench, though the decision of Judge Brett had produced an unfortunate shock on the public mind—a decision which was evidently a wrong one, since the right hon. Gentleman had remitted the sentence. It was only natural that on the eve of an election a little exaggeration should be indulged in, and appeals made to the public against the House of Commons; but a *residuum* of wrong existed, and he was glad that his hon. and learned Friend had taken up the matter. In that view, the proposal of his hon. and learned Friend to do away with all imprisonment for breaches of contract was a very fair subject for consideration. He did not, however, agree with him that the man imprisoned for breach of contract felt himself degraded, for the gas stokers on leaving prison were fêted and caressed, and the tendency of that legislation was to bring the law into contempt by making men feel themselves martyrs. He would remind the House, or rather the skeleton of the House, that the Act of 1867 was renewable from year to year, and the Government having done little enough this Session, might make themselves useful by abolishing imprisonment for breach of contract, and dealing with the law of conspiracy, thereby blunting the weapons of agitators.

MR. AUBERON HERBERT said, that unless he was satisfied that the law left him no alternative, he must still think that the sentence passed by Mr. Justice Brett was excessive and unjust. It was unjust for the reason that the jury had found the verdict entirely on the counts of the indictment based on the statute, and had refused a verdict on the common law counts. The Master and Servant Act imposed imprisonment for breach of contract of an aggravated character, and for default in paying a fine; but it had been interpreted by magistrates as if any ordinary breach of contract was to be visited with im-

prisonment. A trustworthy authority had called his attention to two cases. A man unable to read, and therefore not thoroughly acquainted with the engagement to which he had affixed his mark, asked for 11s. a-week instead of 10s., and unfortunately used some threats to the policeman who arrested him. He was sentenced by the magistrates at Farringdon to six weeks' hard labour, not under the Master and Servant Act, but for the use of threats. Another labourer who, after a dispute about overtime, left in the middle of the day without notice, was last year sentenced to a month's hard labour. He was, however, liberated after a fortnight's detention, and the hard-labour part of the sentence was not enforced. Now, even for gross breaches of contract, imprisonment would be an unequal punishment; for a man who by lavishly contracting debts caused suffering, and, perhaps, ruin; a contractor who, entering on an undertaking beyond his ability, broke down, causing loss and inconvenience; and a barrister who, by failing to appear in a case, exposed his client to defeat and injury, were not punished by imprisonment. There were many breaches of contract in this country, but only one which the law enforced by the penalty of imprisonment, and if this exception were continued great mischief must constantly arise. His hon. and learned Friend the Member for Oxford (Mr. Harcourt) had called attention to the bad effects which arose from this state of things under the Merchant Shipping Act. A man engaged to go on board a vessel for a voyage, he thereupon got an advance note, which some disreputable person cashed for him, relying on the immense powers in the hands of the shipowners to enforce the contract. The man was then, perhaps, kept drunk until the vessel sailed, and often was put on board in a state of drunkenness. He believed that a large portion of the evils of which we had heard so much was owing to the excessive powers conferred on shipowners over the men who signed the articles. The relations between capital and labour were in a very unsatisfactory state, and the great problem of the day was how to bring them into a better condition. If the present law were continued, the members of trades unions would not make any contract at all, and they would thus destroy long

engagements, which he always regarded as very excellent and satisfactory things. It was said that they must suit the penalty to the person; but if they acted on that principle, when a rich man was brought into Court charged with a common assault, they ought to fine him not £5, but £500, or £5,000, according to his wealth. Once the law interfered in a harsh and violent manner, no one could foresee what evils might be produced. The evil burrowed under ground and appeared in unexpected places. The noble Lord the Member for Haddingtonshire (Lord Elcho) quoted the evidence of Mr. Odger before the Committee, to show that Mr. Odger was a consenting party to the obnoxious clause. But, if he was not mistaken, Mr. Odger guarded himself tolerably clearly from any such consent. For instance, Mr. Odger was asked—"In cases of wilful misconduct, do you think power ought not be given to deal exceptionally with them?" Mr. Odger's answer was—"I think not. The number of such cases is so few as to be scarcely worth mentioning." And in reply to another question Mr. Odger gave a similar answer. He hoped something would be done in this matter before the General Election. He had seen personally how strongly working men felt on this matter. Last year at the congress of the trade societies there were present representatives of only 260,000 persons; but this year so strong was the feeling excited by the case of the gas stokers and one or two others that representatives of 600,000 men attended. [An hon. MEMBER: 700,000 attended.] Well, then, with the strong feeling that existed in the country, would it be wise for either party to let a General Election be held, which would entirely turn, as he ventured to say the next would if nothing was done in the meantime, upon this question? If the question was not dealt with, he would say with confidence that we should have a more bitter tone imported into the next General Election than had prevailed at any election for years.

THE ATTORNEY GENERAL said, he was anxious to take some part in the discussion initiated by his hon. and learned Friend the Member for the City of Oxford (Mr. Harcourt), although he was tempted to be sorry that no practical, definite, or tangible result could arise from it. Indeed, a moderate ex-

*Mr. Auberon Herbert*

amination of the topics discussed with the ability and eloquence which always distinguished his hon. and learned Friend would satisfy the House that there was no foundation for many of the accusations which, in strong terms, he cast upon that House and the recent legislation to which they had all been parties. It was a somewhat unfortunate peculiarity of his hon. and learned Friend that, while fully coinciding with him in objects he professed to have in view, they often found themselves utterly repelled and unable to follow him to his conclusion, because—he did not like to say of the reckless—but of the extravagant mis-statements with which he enveloped the case which he took in hand. On the main subject they were entirely at one with him. That was a matter which it became the Legislature to deal with. There was material for observation in the subject, he quite admitted—wise, temperate, sustainable, consistent statement. The speech of his hon. and learned Friend, however, had been, no doubt, marked by ability, but deformed by much damaging and mischievous mis-representation. He was extremely strong in his denunciation of the House of Commons, which, in his opinion, had been guilty of what he called rash and inconsiderate legislation. His hon. and learned Friend hardly ever addressed the House without administering a lecture on rashness and inconsideration, leaving it, of course, to be inferred that his own wisdom, his own calm and temperate view of matters were above all suspicion and beyond all praise, leaving them to imagine that he alone stood the one faithful soul true to his trust, who had warned, but, like Cassandra, had warned in vain, the House of Commons not to proceed on a course of legislation which experience had shown could only lead to contempt. More than that, his hon. and learned Friend must excuse him for pointing out that he was guilty of inconsistency in these matters. Describing the legislation of the House of Commons to which he took exception, he said they had passed these two Bills, which had heaped up crime upon crime, misdemeanour upon misdemeanour, and he did not complain of the justices or Judges, who had only discharged the unwelcome functions which Parliament imposed upon them. Then he proceeded in a more temperate, candid, and rea-

sonable mode to do justice to the efforts of his noble Friend opposite the Member for Haddingtonshire (Lord Elcho), and those who passed the Master and Servant Act—poor souls, they wandered in darkness, they erred, but they meant well; not doing what they should have done, but doing their best under the circumstances. With regard to the other Bill—the Criminal Law Amendment Bill—he said the Government should never have passed it; but he admitted they did not believe such desperate results would have followed it which they had now to deplore. He said he did not complain of the justices in the Chipping Norton case, or of the Judge in the case of the gas stokers, but of the Acts of Parliament which forced on them the functions which they had to perform. Now, it was remarkable that his hon. and learned Friend had not taken the trouble to state those cases correctly. The conviction of the gas stokers and the judgment of Mr. Justice Brett did not turn on the Criminal Law Amendment Act at all, and the punishment would have been exactly the same if that Act had never been passed. Mr. Justice Brett carefully explained in his judgment, and the jury carefully placed their verdict, not on the Act of Parliament, but on what they could not help finding, under the direction of the Judge, a breach of the old common law of conspiracy.

MR. VERNON HARCOURT must remind his hon. and learned Friend that the jury rejected the direction of the Judge on the general law, and founded their verdict of Guilty exclusively on the counts framed upon the Act of Parliament.

THE ATTORNEY GENERAL said, he had before him the authentic report of the case before Mr. Justice Brett, and the indictment, the summing-up, and the verdict of the jury all turned, not on the Act of Parliament, but on what had been, with more or less accuracy, but certainly with great force, described as the old common law of conspiracy. The Act of Parliament would have limited the penalty for any breach of it to a much less punishment than had been inflicted under an indictment for conspiracy. The gas-stokers were indicted, not so much for having done anything, as for having conspired and confederated to do certain things with certain intent. In the Chip-



ping Norton case also, it was inaccurate to say that the judgment of the magistrates was in any degree dictated by that House. In passing the Criminal Law Amendment Act, the House of Commons had reduced the number of offences for which workmen could be prosecuted for offences against their employers, and had left to the Judges and to the magistrates the discretionary power of punishing the offenders by imprisonment, with or without hard labour, or by a pecuniary penalty. In both of the cases to which reference had been made, the judgments had been arrived at freely and independently, upon a consideration of all the circumstances of the respective cases. Under the circumstances, there was no foundation whatever for the statement of his hon. and learned Friend that, in passing this Act, the House of Commons had been attempting to pile crime on crime, and misdemeanour on misdemeanour. The effect of the Act was to put an end to many offences and to reduce the punishment on those that remained, while it did not create a single new offence. Had his hon. and learned Friend really read the Act? If so, he would find that it repealed two highly penal statutes of George IV., without substituting anything in their place. The words of his hon. and learned Friend were most important in their effect out of that House. His utterances would be read by large numbers of people to-morrow, and those who believed in him would assume them to be true. Either his hon. and learned Friend was not aware of the real state of the case—and he (the Attorney General) need scarcely say that he should have made himself thoroughly acquainted with it before delivering his speech—or else he was aware of it, in which case he left it to the eloquence of his hon. and learned Friend to extricate himself from the dilemma in which he was placed. After what had fallen from the noble Lord the Member for Haddingtonshire, he need scarcely take the trouble to vindicate that House against the charge which had been brought against it by his hon. and learned Friend that this Act was a piece of class legislation. It was a remarkable fact, however, that the provisions of the Act were applicable equally to both employers and employed, and that the words “masters and servants” did not appear in the clause

now objected to. He fully admitted that one class of persons might be more likely to commit that particular offence provided against by an Act of Parliament than another class would be; but the statute passed to repress that offence could not be described as an instance of class legislation. Therefore, he denied that the Act could be fairly so described. Turning from the general question to the consideration of the terms of his hon. and learned Friend's Motion as it stood upon the Paper, he found that the first part of it was to the effect—

“That the Common Law of Conspiracy, as declared in the case of the *Queen v. Bunn* and others, ought to be amended, limited, and defined.”

It would be difficult to find any great objection to that proposition. The law of conspiracy was almost entirely a Judge-made law, and it was natural and perhaps inevitable, that it should not be merely elastic, which might be a good thing, but very vague and indefinite, which was a very bad thing. It was a very difficult thing to convey with accuracy to the mind of a layman a real and intelligible account of the law of conspiracy. In the case of the gas stokers, it was assumed that two propositions were true—first, that it was an offence against the Common Law of England for a number of persons to combine to compel a person to conduct his business in a way to overbear his will. That seemed to be the view taken by Mr. Justice Brett. The second proposition was, that for a number of operatives to conspire or combine to break a civil contract was also an offence against the law of England. He must honestly say that he was unable to perceive that that was otherwise than a new doctrine. It was no breach of confidence to say that the attention of the Government having been turned to this subject very early after the charge of Mr. Justice Brett, the opinion of the Law Officers was taken: He had therefore had an opportunity of considering the subject. In his opinion, these two propositions, if true, were at all events new, and unless they were questioned they might pass into the textbooks and become accepted points in the law of conspiracy as laid down by Judges of eminence. He was not going to say in the House of Commons that the law of conspiracy was in a state which did not demand some at-

tention. That was new law, and it was high time, if Parliament thought it undesirable law, that the Legislature should interfere to limit and define it. It was only fair, however, to Mr. Justice Brett to add that there was nothing in his charge which was not warranted, or which was not a fair logical development of other dicta of other learned Judges. One or two cases decided by the present Lord Chief Justice of England, if fairly and candidly considered, went far to warrant the conclusion at which Mr. Justice Brett had arrived. That being so, it was for Parliament to consider whether the statement of the law of conspiracy had not gone beyond what was reasonable, and whether it was not time for Parliament to step in and declare the law. Let him, however, warn the House that if they entered upon a definition of the law of conspiracy, they would tread a thorny path which it would be much easier to enter than to escape from. It ought also to be mentioned that in another case almost contemporaneous, and like that of the gas stokers, Mr. Justice Lush had laid down the law in a directly opposite sense. Mr. Justice Lush ruled, that it was not a criminal offence for a man to refuse to work or to dictate any terms as to his work, provided that those terms were not criminal, and that he did not use any means inconsistent with the 34 & 35 *Vict.* His hon. and learned Friend in his Resolution went on to say that

"where Parliament has prescribed limited penalties for particular offences, it is expedient that more grievous and indefinite punishments should under the form of indictments for conspiracy be inflicted for agreements to commit the same offences."

Agreeing in substance with the first proposition, he was unable to concur altogether in the second. In the case of the gas stokers, for instance, if a single man broke his contract that offence might be satisfied by the infliction of a fine of 10*s.* or 20*s.*; but if 500 combined to throw the whole trade into confusion, to bring desolation upon families, and infinite danger and distress upon great numbers of persons, that combination was far more dangerous and deserving of punishment. It was therefore legitimate and right to hold that combination to effect a thing should be punished with a higher penalty than an offence committed by an isolated individual in an

isolated manner. His hon. and learned Friend said that 25 stokers who were brought up before the police magistrates were sentenced only to six weeks' imprisonment, though they were just as guilty as the five stokers who were sentenced to 12 months' imprisonment; but it must be remembered, that Courts of Law had to consider not the offence which a man had committed, but the offence for which he was indicted. If prosecutors chose to waive the superior and proceed only for the inferior offence, the Court could not go beyond the indictment. An offence which a man committed singly might justify this leniency; but in cases of combination, the law might properly award a much graver penalty. So if those 25 men had been indicted for the conspiracy, they would have been properly punished more severely than they were, being proceeded against only as isolated offenders. Again, it was not true that questions of conspiracy arose solely between masters and workmen. A case of this nature had arisen under the Copyright Acts, upon the piracy of a valuable engraving. Had it been a mere individual attempt at piracy, the offence might have been suitably met by a fine under £10. But several persons were indicted before Mr. Russell Gurney for conspiring to destroy the value of the copyright by concerting to put about pirated copies of the engraving, and that being a far more serious offence it was punished—he did not know whether also by a fine, but certainly by imprisonment. He had admitted that the law of conspiracy, as laid down by eminent Judges, was in some respects unsatisfactory and required amending. So far as he had seen the cases, the inconvenience had been chiefly felt in that class of cases which might be defined as cases between masters and workmen; but in other cases it had not been found to work unjustly. He did, however, admit that in the case of masters and workmen, it had been found to lead to some hardship. That was not a view which he now expressed for the first time, and he should be glad if he could give effect to it by legislation. His hon. and learned Friend asked why Government did not carry a Bill. Two things were necessary for that purpose—to prepare or bring it in, and afterwards to conduct it through the House. For the earlier portion of the process the

Government had no peculiar advantages. No one, indeed, was fitter for them than his hon. and learned Friend himself—his accuracy, his love of detail, his ability to devote time in a spirit of self-sacrifice to a difficult and intricate subject were recognized by all; and he had in his speech that night shown an acquaintance with the matter which fitted him better than any man in England to prepare such a Bill. He (the Attorney General) might not next year hold the office he now filled; perhaps his hon. and learned Friend himself might fill it; therefore, if he prepared a Bill, he might be able to carry it, when he became Attorney General. In any case, he hoped his hon. and learned Friend would give to that or any future Government the benefit of his experience, and not wrap himself in his virtue, as though he had now done all that could be done in the matter. With regard to the third proposition of his hon. and learned Friend, there were many cases where a breach of civil contract occurred under such circumstances, that it deserved to be made a criminal instead of a civil offence; but the proposal did not go in that direction. A contract was sometimes broken from the most nefarious motives, yet the law of the country in such cases gave a most imperfect civil remedy. If an amendment in the law were proposed in this direction, much might be said for it. He hoped he felt as much as his hon. and learned Friend did for the workman; but he must use his common sense in this matter, and he could not fail to see that there were cases of breach of civil obligation in which a civil remedy would virtually be no remedy at all—in which an amount of damage was done, and intentionally done, by a breach of civil contract for which no civil remedy could afford anything like adequate compensation. These were, he admitted, exceptional cases, but they should be dealt with by common sense and plain argument, and not by rhetoric. A man by breach of contract might flood a mine, and what remedy for such an offence, committed with a criminal intention, could be obtained by civil action? An offence of that kind ought to be regarded and be made punishable criminally. Did his hon. and learned Friend reflect that a contract to serve in the Army was a civil contract, or how far

*The Attorney General*

the Minister for War could obtain a remedy for breach of that contract by civil action? These were all cases in which there was nothing but contract between employer and employed, but where, there being no adequate civil remedy, the law inflicted criminal punishment. He could not, therefore, agree with the proposition that a prosecution for breach of contract to serve was unjust in principle or oppressive in operation. He trusted he had given conclusive reasons to show that it was not, and had sufficiently indicated the extent to which alone, in his opinion, the Motion of his hon. and learned Friend was well founded.

DR. BALL said, he had been much struck by one observation made by the hon. Member for Nottingham (Mr. Auberon Herbert), to the effect that at the approaching Dissolution of Parliament and General Election inquiry would be made as to the tone of the present debate. He had always entertained the opinion that nothing could be more undesirable or unsafe than discussions in that House in reference to cases which had been decided in Courts of Law and the conduct of Her Majesty's Judges in trying them. If he wanted an illustration of the utter unsuitableness of that tribunal to examine such matters, it was afforded by the fact that the hon. and learned Member for the City of Oxford (Mr. Harcourt) and the hon. and learned Gentleman the Attorney General were unable to agree upon the principle on which the case to which they had referred was decided. The hon. and learned Member for Oxford said that Mr. Justice Brett and the magistrates had not erred, but that the law had. The hon. and learned Gentleman the Attorney General, on the other hand, said that what he cavilled at was, the law as laid down on the two occasions as not representing accurately what the law was, or as being a new view of it. [The ATTORNEY GENERAL dissented.] The hon. and learned Gentleman certainly used the remarkable expression that the law as laid down was a departure from, or new view of it—qualifying the expressing by adding that other Judges had thrown out *dicta* in the same direction. All that showed that the House was totally unfit to exercise an appellate jurisdiction. The hon. and learned Gentleman then alluded to an

authority much higher than any which could be produced in that House—that of the Lord Chief Justice of England, and plainly threw out, that in his judgment there were some points as to which were he in the same position, he would probably have taken a different view. The law was a subject as to which the greatest men differed. In the same Court, there were frequently differences of opinion; and, probably, the ultimate decision of a question would be arrived at by a narrow majority of one. The system of examining and criticizing the conduct of Her Majesty's Judges by the Law Officers—as if they descended from some higher region to lay down the law for the Judges—had commenced in the case of the Irish Judges. The judgment of the Court of Common Pleas in an Election case had been discussed, the conduct of Mr. Justice Keogh had been debated; but he took that opportunity of saying, that that was not one of those erroneous principles which they sent over to Ireland that did not return and roost in England again. The Judges should not sit and discharge those high duties under the influence of terror, or any other influence than the criticisms of the counsel who practise before them—certainly not of comments in that House by some Law Officers who had their feet on the Bench and were ready to take their places there. If such a course were adopted, the Judges could not be said to be free from external pressure. With respect to sentences pronounced, he was himself of opinion that they were often too severe; but it should be remembered that the object of a sentence was to deter others, not to punish the individual. The duty of the Judge was to enforce the law in such a manner as to repress crime. The whole excuse for punishment was its deterrent effect, and its influence—through prevention of crime—upon the welfare of society. As to conspiracy, it might consist in the use of legal means to effect an illegal end, or the use of illegal means to effect a legal end. The former class was illustrated by the case of Edward Gibbon Wakefield and others, who were convicted of conspiring to procure his marriage by fraud and deception; and he remembered a similar case, in which a girl of 16 was induced by deception and fraud to contract marriage before a Registrar, in which case there was also

a conviction. The latter class might be illustrated by persons coercing an old gentleman into signing a deed giving them £10,000. The law of conspiracy was not applicable to trifling cases, and it should not have been introduced in a case of this character. That, however, the Judge could not prevent, and the evil lay in allowing private individuals to put in force a powerful engine for the prevention of crime, and for dealing with cases which the positive law did not reach. In Ireland such misapplication was prevented by control over all prosecutions being vested in the Attorney General. In England, all that a Judge could do, if the law was improperly exerted, was to take care in passing sentence that injustice was not inflicted. That, however, was a different thing from altering the law, and he challenged the Attorney General and all the legal Members of the House to frame a Bill defining and limiting the common law of conspiracy. The hon. and learned Member for the City of Oxford had shown his consciousness of that by confining himself to a vague declaration, that something unsatisfactory had occurred, and that some action was necessary. As to the Master and Servant Act, that, of course, could be modified or repealed; but deterrent legislation was necessary in cases where the lives and welfare of the community were at stake. It would not do to let sailors understand that if at a critical moment they struck work, they were only liable to a civil action; but he admitted that stringent provisions, requisite for extreme cases, should not be applied in every case; and here again it would be well to institute a control over prosecutions. At present the only control of the kind rested with the grand jury, and they were fettered by the direction that they were bound to find a true bill if there was a *prima facie* case; and had nothing to do with the policy or wisdom of the law involved. There should be in England, as there was already in Ireland, a control over prosecutions vested in the Attorney General as representing the Crown; and the Judges, of course, should take care that injustice was not done by bringing the great machinery of the conspiracy law to apply to trifling cases. It appeared to him that it was requisite now especially, considering the complicated system

which was growing up in England, that a great, grave, and wise adviser should be acknowledged—one who would be at the command of the Government—who would not pander to the passions or feelings of individuals, but who would be an adviser of measures for the welfare of the community—who would have power to control, withdraw, or rigidly put in force prosecutions, and be able in his wisdom to meet the exigencies of each particular case. If such a functionary could be established, he believed much benefit would arise, and the interests of all classes would be maintained.

THE SOLICITOR GENERAL, in challenging the statement of the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), that Parliament had no right to examine propositions laid down by Judges, said, he was prepared to assert the right of every hon. Member to that same liberty of speech inside the House which every individual outside of it possessed. He understood the law to be that while proceedings were going on persons were not at liberty to make any comments which might influence the decision; but that when judgment was given, they could express the opinion they had formed upon the case. He should like to know how they could convince the House of the necessity of legislative action on any subject, if they were not to be at liberty to comment not only upon the law itself, but upon the decisions of those persons who had to administer it. If hon. Members were to be at liberty to laud the ability, the learning, and impartiality of the Judges, why should they not have the same liberty of criticizing, or of censuring their conduct? The Law Officers of the Crown, moreover, had sometimes, as a part of their official duty, to examine judgments, in order to see whether the law had been rightly stated, and the sentence pronounced should be carried, and also sometimes to see whether any amendment of the law was necessary. If, however, the argument of the right hon. and learned Gentleman were carried out, it would be impossible to make any alteration in the law to obviate evils which became apparent in consequence of anything which was done by the Bench. He also wished to enter his humble protest against the lavish and in-

discriminate praise of individual Judges which was becoming common in this House. He had heard that night to his surprise and mortification, several Judges named individually, and lauded for their abilities, their learning, and their conduct on the Bench. What would that lead to? They could not possibly have it all on the side of praise. When one hon. Member had extolled a Judge for his ability, his learning, and his impartiality, another hon. Member would get up and say on the contrary he had always been of opinion that that particular Judge was very ignorant, anything but impartial, was actuated by class feelings, and his conduct had been such as deserved censure, and the only reason why he did not bring forward a Vote of Censure was, because his conduct had not been quite so censurable as would warrant their asking for his removal from the Bench. That would be very prejudicial to the administration of justice. Again, if by the courtesy of the House they could only speak in terms of praise of a Judge, that praise would have small value, and would become worth about as much as the epithets "gal-lant" and "learned" applied to hon. Members of that House. He hoped, therefore, they had heard the last of the praise of individual Judges for their individual qualities. With respect to the subject-matter before the House, he agreed with his right hon. and learned Friend opposite in the opinion that the law of conspiracy was a very difficult subject, but he differed from him in the definition which he gave of conspiracy. If hon. Members would only read a book called *Russell on Crime*, they would see the difficulty of defining many offences, especially that with the definitions of which he believed most of them thought they were conversant—namely, murder. With reference to that crime he would also remark that two bodies of lawyers, at least, had tried to amend its definition, but had been so convinced of their failure, that they desisted from proposing a measure to the House with that object. That difficulty was particularly great in the case of the law of conspiracy, a very useful law, which comprised three very different things. It comprised a combination to commit an act criminal in itself, either as a means or an end; a combination of several persons by means not crimi-

nal, to commit an act not criminal but illegal, such as a breach of contract; and, in addition, it comprised a combination by the use of means not criminal to effect a purpose which was not itself criminal in the eye of the law but only immoral—seduction, for instance. The hon. and learned Gentleman the Member for the City of Oxford thought it monstrous to assign a heavier punishment for conspiracy to do an act than for the act itself when committed; but the very combination to do the act was an offence and aggravated the principal offence itself. To rob on the highway, for example, was punishable with a few years' penal servitude, but a combination to commit that crime was punishable with penal servitude for life. [Mr. HARCOURT explained that he had said the punishment for combination ought to be defined.] The punishment was limited to a fixed term of imprisonment, and, therefore, it was wrong to say it was arbitrary or undefined. He demurred to the assertion that the law which enforced contracts for service were exceptional. It was a mere delusion to use the words "criminal" or "civil" in that connection. Every civil contract had been enforced in this country by imprisonment. Formerly every ordinary debt was exigible in that way. If a man was ordered to do a thing by the Court of Chancery and disobeyed, he was sent to prison. He should like to know what means would exist of enforcing fines in a criminal court if imprisonment were taken away? The hon. and learned Gentleman proposed that there should be a civil remedy only in the case of service. But would he bring an action against a recruit who deserted from his regiment or against a marine who ran away from his ship? [Mr. HARCOURT dissented.] No; his hon. and learned Friend admitted that there must be some exceptional instances; and what became, then, of the general proposition that that was unjust in principle? He only objected to its application to the particular class of workmen, whom he wished to conciliate. The law, as it stood, applied to both the parties to the contract, and if an employer were found guilty of exaggerated misconduct, such as brought the employed within the provisions of the Act, there were plenty of workmen and associations of workmen who were

well able to set the law in motion against him. That was not class legislation. Some of the "roughs" of London were much addicted to larceny; and they might as well say—"You make a law against larceny, but you do not send Members of Parliament to prison under it. How unjust and exceptional, therefore, your legislation is! You certainly prohibit them from committing the offence; but it is only a sham law, because you know they are not going to commit larceny. But we like the offence; we find it useful; and we demand that in justice you should repeal your class legislation, the law against larceny." With regard to the case of the gas stokers and the law of conspiracy, he must say he dissented from the law as laid down by Mr. Justice Brett in the case of "*The Queen v. Bunn*." It was contrary to a charge by Mr. Justice Lush in a similar case and he should not be guilty of disrespect to the former learned Judge if he said he preferred the law as subsequently laid down by Mr. Justice Lush in a similar case, and not the less so because it was delivered with a full knowledge of the previous charge. Both charges could not be well founded. He would, however, recommend the House to wait before legislating. In both cases the men were acquitted of this particular charge, and there was therefore no opportunity of carrying the case before the Court of Criminal Appeal. That Court could give an authoritative decision upon the two conflicting charges, and if it turned out that the Law Officers of the Crown were mistaken, it would then be time enough to amend the law. [Mr. HARCOURT: But meanwhile the men will remain in prison.] He did not know that that would necessarily be the case. The Commission on Trades Unions had recommended the Legislature that no alteration should be made in the existing law respecting combinations to do acts which involved breaches of contract. It was intended by the recent Act, that the first proposition laid down by Mr. Justice Brett in his charge should no longer be the law of the land, and if there had been an accident or miscarriage it would be time enough to amend the law when an authoritative decision had been obtained upon appeal. If his hon. and learned Friend felt inclined to try so difficult a task as to define and amend

the law of conspiracy in general, no one was better fitted for the task by his ability and the extent of leisure at his command. In that case, he could only wish him the success he would so well deserve.

MR. JAMES said, he had no sympathy with those who had the General Election in view in expressing their opinions on this subject. The matter was legitimately brought under the notice of the House as a grievance on the question of going into Committee of Supply, and he would remind the House that no censure was cast upon any Judge, but that it was the law itself which was being criticized. Working men complained that the law of conspiracy pressed peculiarly in its uncertainty upon them. In punishing what the law called conspiracy, we were punishing what working men called combination. They were bound to combine, and their experience was, that without combination all attempts to improve their condition were hopeless. The gas stokers were punished because, admitting their right to combine, they had combined to break a contract, and because, under Section 14 of the Master and Servant Act, that was a criminal offence. It would not have been criminal on the part of any other subject of the realm; but it was criminal in them. Was there not good ground for complaint on that score? If they took the Master and Servant Act, and applied it to the law of conspiracy they would raise upon it a superstructure of great and manifest injustice. In the same way, if they took the Criminal Law Amendment Act and applied to it the law of conspiracy, they would find that even greater injustice would be done than by its application to the Master and Servant Act. The noble Lord the Member for Haddingtonshire (Lord Elcho) maintained that the Master and Servant Act gave the working men exactly what they asked for and what they wanted. Now, everybody recognized the noble Lord's sincere desire to act charitably towards the working classes. [Lord ELCHO: Justly.] But he thought the working classes would like a little more justice. There was a little too much of the *odi profanum vulgus* about the noble Lord; he did not quite appreciate the position of the working classes, and some of them would perhaps say to him—

"Add not unto your cruel hate  
Your still more cruel love."

It was said that the Act applied to masters as well as workmen, and that the former might be imprisoned as well as the latter; in words, no doubt, it did apply, but in effect it did not, and could never do so. The Home Secretary was in possession of Returns on this subject. Had any masters suffered imprisonment under the Act, and how many workmen? It was admitted by the Attorney General that an inequality existed with reference to this Act. Ought not something then to be done? With regard to the Motion of his hon. and learned Friend the Member for the City of Oxford (Mr. Harcourt), the noble Lord had complained of its terms; but he (Mr. James) did not see in what other way it could be framed. Whether a General Election was pending or not, it was better to be wise in time, and to do justice where it was imperatively demanded. [Laughter.] He had himself no sympathy with itinerant agitators; but if hon. Members treated with contempt a demand for redress of a serious grievance of this kind, they would place in the hands of that class a power which they might have cause to deeply regret. He could not help thinking that if hon. Members combined to refuse the alteration of a law which had proved to be unequal and unjust, they would be guilty of a worse combination than that which had been charged against these men under the Act in question.

MR. BRUCE said, he would admit, if the law laid down by Mr. Justice Brett were correct, it would be the duty of the Government to introduce an amending Act. But it was because they were satisfied, after full examination, that that was not the case, that they did not think it necessary to bring in a Bill to amend the Act of 1871. Another reason why Government did not introduce an amending Bill was that they wished to give the Act a further trial. If, however, it should prove that the intention of the Government had been defeated, it would be their duty to deal with the matter. As to the 14th section of the Master and Servant Act, he understood that an objection was made to the amount of punishment. The question was not whether the law was improper, but whether the punishment was excessive. On the main question, all he

could say was that it was the desire of the Government that the workmen should have every facility of combining together for promoting what they believed to be their own interest, provided they would not resort to threats and intimidation to prevent others from working, such as were prohibited by the Act. It was wrong to suppose that these breaches of contract only injured the masters, whereas, in truth, the interests of the workmen were just as often injuriously affected by them. With respect to the Master and Servant Act, although he was not one of its authors, he remembered that he worked with the noble Lord the Member for Haddingtonshire (Lord Elcho), by whom it was introduced, in passing it through the House, in the belief that its provisions were desired by the workmen themselves. In certain cases, the remedy supplied by civil action would be plainly insufficient, and they were, therefore, prepared to see such breaches of contract severely punished; and he held in his hand copies of an address which had been presented to the noble Lord by the executive committee of the working classes, expressive of their approval of the Act and of his Lordship's exertions in the matter. The Master and Servant Act was, in fact, as much meant for the protection of workmen as of employers. Take, for instance, a colliery. It was in the power of a few men to stop the whole working, and to throw others out of employment, by which they lost their wages. If a man in charge of an engine left it without notice, all the workmen who depended upon that engine being kept at work were thrown idle. Again, in the case of the Fire Brigade, if the men when called on to proceed to a fire were to say they would not go till their wages were raised, would not such a breach of contract warrant severe punishment? His hon. Friend the Member for Nottingham (Mr. Auberon Herbert) said that although a beneficial change was wrought by the Master and Servant Act, inasmuch as the vast majority of breaches of contract would be merely civil offences, yet the tendency of magistrates was to bring slight cases under the operation of the 14th section. Now, a Return had been laid that day on the Table of the House, showing the number of persons who had been proceeded against, convicted, and imprisoned under

the Master and Servant Act of 1867. In 1866 the number of persons proceeded against under the previous Act was 12,345, of whom 7,557 were convicted and 1,658 imprisoned. In 1871 the number of persons proceeded against was 10,810, and of these 6,390 were convicted and only 494 imprisoned. In 1872, a year of extraordinary agitation, the number of persons proceeded against was 17,082; 10,359 were convicted, and 742 imprisoned. Thus, in 1866, the year before the existing Act passed, one in seven of the persons proceeded against was imprisoned; whereas in 1872, the proportion was only one in 27. If anything could demonstrate the beneficial results of that Act, he thought those figures did, and he indignantly repudiated the allegation that the present Government had treated the working classes with contempt. If any cases of hardship, or of harshness in the administration of the law occurred, the public attention should be called to them, and the Government would be ready to consider them, and he trusted that the offences against which these statutes were directed would become less and less frequent, till the statutes themselves should become unnecessary.

MR. EYKYN said, he wished to express his conviction that the Judge acted perfectly right, and his regret that the gas stokers had received a commutation of their sentence from the Home Office.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—considered in Committee.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

#### LAW AGENTS (SCOTLAND) BILL.

[BILL 150.]

(The Lord Advocate, Mr. Adam.)

COMMITTEE. [*Progress 5th June.*]

Bill considered in Committee.

(In the Committee.)

Clause 6 (Apprentices before admission to make affidavit of having served) agreed to.

Clause 7 (Admission and enrolment of applicants as Law Agents).

MR. GORDON, in proposing as an Amendment, in page 3, line 26, to leave



out from "any," to "agents," in line 40, and insert—

"Any person qualified as hereinbefore provided, may make application to the board of examiners under this Act to verify his qualifications, and take trial of his fitness to practise as a law agent, and on passing an examination as hereinafter provided, and obtaining from the board a certificate of qualification and fitness, shall be at liberty to present to the court a petition praying to be admitted a law agent under this Act, and the court may thereupon remit him accordingly, and an extract of such admission, written or printed, or partly written and partly printed on paper or parchment, stamped with the duty exigible by law, shall be good and sufficient warrant to the registrar to enrol him as a law agent accordingly,"

said, the course he proposed was similar in effect to the recommendation of the Committee of last year, based upon the view taken by the right hon. and learned Lord Advocate. The Society of Writers to the Signet and the Solicitors practising before the Supreme Court had always taken a great interest in the examination of persons desiring to practise as agents, and had adopted regulations for the study of such persons, he therefore thought it advisable that they should be represented on the Examining Board. Other bodies had also taken great interest in the matter, and had established Professorships in the Universities of Glasgow and Aberdeen for the studies necessary to law agents, therefore he thought those also should be represented on the Examining Board. The proposition of the right hon. and learned Gentleman last Session was the same in effect to that he (Mr. Gordon) now made, except that he thought Aberdeen ought to be included.

THE LORD ADVOCATE said, the question between his hon. and learned Friend (Mr. Gordon) and himself was whether the Examiners of the law agents or attorneys of the future should be simply nominated by the Judges of the Supreme Court in Scotland, as in England, or whether they should be nominated in the manner proposed by his hon. and learned Friend—namely, two by one society, two by another society, or by a third being a society elected by various other societies throughout the country; two by a fourth; and two by a fifth. He quite admitted that last year he favourably considered the Amendment of his hon. and learned Friend; but upon full consideration, he strongly resisted that proposal altogether, and suggested

*Mr. Gordon*

for the adoption of Parliament with reference to Scotland the same system which had for a very long period been used with perfect success in England. With respect to the clause before the House, it provided that applicants for admission should present their applications to the Board, which should take proceedings to ascertain their qualifications analogous to those pursued in England, and which had given such entire satisfaction.

SIR EDWARD COLEBROOKE said, he concurred with the Bill as it stood. No doubt the effect of the measure was ultimately to separate the examination entirely from those who had sought to institute the system of examinations; if that was so, he would oppose it, but he did not think it would have that effect. To keep up those different persons as qualified for Examiners, would be to establish an invidious distinction, when the object was to make an Examining Board that would represent the whole country. A general examination for the country could only be effected by one body formed of the different bodies uniting in one profession.

MR. GOLDNEY said, there did not seem to be any provision for allowing an attorney who was qualified to practise in England to become a practitioner in Scotland so long as this proposed qualification should exist, making it compulsory that three years should be served with a law agent of Scotland. He should propose, therefore, to insert words, so that a properly qualified English practitioner should practise in Scotland.

THE LORD ADVOCATE said, that he should at all times be glad to advocate the extension to English solicitors the privilege of practising in Scotland, whenever a similar privilege should be extended to Scotch practitioners in England. He was most anxious to give every facility to the agents, and should have no objection to shorten the period of service in Scotland for those gentlemen who had certificates entitling them to practise in England.

MR. GOLDNEY said, that after that expression of opinion, he should move on the Report that the words "three years" should be omitted.

MR. LEITH said, he was of opinion that it would be necessary to retain the period of three years, because, otherwise, there would be a number of

English solicitors introduced who knew nothing of the Scotch law. He did not think three years an unreasonable time to serve, but it might be reduced on examination.

MR. M'LAREN asked, whether the privileges of the different bodies in Scotland would be retained, or whether the Board of Examiners was to examine everything?

MR. CRAUFURD thought that after the Act passed there would be a united Society of Law Agents in Scotland who would stand in the same position as the Law Society in England, and they would, in point of fact, form the examining body.

MR. M'LAREN thought the hon. and learned Member for Ayr was in error, and wished to press the Lord Advocate for an explanation.

THE LORD ADVOCATE said, that the point in question was dealt with in a subsequent clause. He referred to the 19th, which provided that the Judges, provided they thought the examination of the societies referred to satisfactory as a guarantee of the qualifications of applicants, should have power to accept it as equivalent to an examination by their own Examiners. The clauses were entirely consistent, and he felt bound to decline to say what he would do in regard to Clause 19 until they came to it.

MR. GORDON said, he did not propose that candidates should be bound to apply to any of the existing societies—on the contrary, he wished to make it open to them to apply to the Courts, but he simply desired to provide an optional mode. The procedure he proposed was a Court for the special purpose of relieving the applicants from the necessity of applying to an existing society. Therefore, so far as expense was concerned, one system would not differ in the least from the other. However, as the Committee did not seem to support his proposition, he should not press it to a division.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 8 (The Court empowered to appoint Examiners).

MR. CRAUFURD said, he had certain Amendments to propose, the object of which was to put the law on all-fours with the English Act. He thought if

the Court of Session was to have power to appoint the Examiners, it should also have power to say what they should be; and his first proposal was to leave out the words in page 4, line 14 "being enrolled law agents and in practice as such." He would afterwards propose that the Judges should have power to prescribe the subjects of examination in law and general knowledge. He thought the Committee would see the necessity of altering the clause, so that Professors might be appointed, as well as those who were merely practitioners.

MR. MILLER said, he did not find the law in England to be as stated by the hon. and learned Gentleman. In *The Law Journal*, it was stated that the examiners were the Masters of the Courts of Queen's Bench, Common Pleas, and Exchequer, with sixteen attorneys or solicitors. The hon. and learned Gentleman seemed to pointedly strike out the same class of persons in Scotland. [MR. CRAUFURD: No, no!]

THE LORD ADVOCATE said, he had no objection to the Amendment.

Amendment *agreed to*.

On the Motion of MR. CRAUFURD, another Amendment made, in page 4, line 15, by leaving out after "Act" to "applicant" in line 20, inclusive.

MR. CRAUFURD, in proposing as an Amendment, in line 21, after "time to time," to insert the words "to prescribe the subjects of examination in law and general knowledge and," said, it would simply give the Judges power to prescribe the examination, leaving it to the candidates to choose where they should acquire their information.

MR. M'LAREN said, he thought it necessary to go further, and prescribe the curriculum. He would therefore propose, instead of the Amendment of his hon. and learned Friend, the addition of the words, "a curriculum of education for apprentices and for candidates for admission and examination thereon." That had been suggested by the Society of Solicitors. They themselves had obtained an Act some years ago to improve the education of their young men, and they were anxious to guard against any interference that would have the effect of lowering the standard of education. They thought it desirable that the Court should have the power to say what cur-

riculum students should go through in order to fit them for examination.

THE LORD ADVOCATE suggested that the Committee should first dispose of the Amendment as it stood.

MR. M'LAREN said, if the right hon. and learned Lord Advocate preferred the words as they were on the Paper, he would not press his Amendment.

MR. ORR-EWING thought the proposal of the hon. Member for Edinburgh (Mr. M'Laren) was better than that of the original Amendment.

THE LORD ADVOCATE said, he was quite prepared to accept the Amendment of the hon. and learned Member for Ayr, but he did not think it was advisable to give the Court power to fix the curriculum.

Amendment (*Mr. M'Laren*) *negatived*.

Amendment (*Mr. Craufurd*) *agreed to*.

Clause, as amended, *agreed to*.

Clause 9, *agreed to*.

Clause 10 *agreed to*.

Clause 11 (Law Agent before admission to take oath).

MR. BOUVERIE hoped that the right hon. and learned Gentleman the Lord Advocate would consent to omit this clause, under which a law agent was to take an oath that he would faithfully perform his duty. There would be no security in any such oath, because if a man was a rogue, he would be a rogue in spite of an oath.

THE LORD ADVOCATE said, he did not object to the clause being struck out.

Clause *struck out* accordingly.

Clause 12 *agreed to*.

Clause 13 (Roll to be kept of Agents practising in the Court of Session).

MR. CRAUFURD moved as an Amendment, in 5, line 26, to leave out "and who has a place of business in Edinburgh or Leith."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 14, verbally *amended*, and *agreed to*.

Clause 15 (Lord President may make rules as to the keeping and subscribing rolls).

MR. CRAUFURD moved as an Amendment, in page 6, line 17, after "rolls," to insert—

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"The name of any person shall be struck off the said rolls, (1) in obedience to the order of the Court, upon application duly made, and after hearing parties; (2) upon his own written application."

THE LORD ADVOCATE said, he would consent to the adoption of the Amendment.

Amendment *agreed to*; words *inserted*.

Clause, as amended, *agreed to*.

Clauses 16 to 18, inclusive, *agreed to*.

Clause 19 (corporate rights of certain societies not to be prejudiced so far as consistent with Act).

MR. CRAUFURD moved as an Amendment in page 6, line 41, after "enrolled Law Agents," to leave out the remainder of the clause. He said he did so, because those words contained the monopoly of certain existing bodies.

Amendment proposed, in page 6, line 41, to leave out the words "and it shall be lawful for the Court to accept a certificate."—(*Mr. Craufurd*.)

MR. M'LAREN objected to the Amendment, because it would extinguish the very proper privileges of certain bodies which had existed for some considerable length of time.

THE LORD ADVOCATE said, he was prepared to stand by the proposal in the Bill, if the Committee thought proper; though if a majority were of a contrary opinion, he did not think the matter was one of such great importance that he should resist the proposal of the Amendment.

MR. BOUVERIE differed from the Lord Advocate, who had made one general gateway for admission to the profession, and then opened nine other side doors by giving these nine bodies the power of admitting. What was the use of this general gateway, if these side doors were to remain open?

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 26; Noes 18: Majority 8.

Clause *agreed to*.

MR. CRAUFURD expressed his regret that the right hon. and learned Gentleman the Lord Advocate had not agreed to his Amendment in the clause, especially after he had said that he would defer to the opinion of the Com-

mittee. He should certainly move his Amendment again on the Report.

Clauses 20 to 24, inclusive, *agreed to*.

On the Motion of the LORD ADVOCATE, new clauses—(The Court may, within one year after the passing of the Act, admit notaries public to be enrolled, if they see fit); and (Repealing clause) were *added* to the Bill.

House resumed.

Bill *reported*; as amended, to be considered upon *Thursday* next, and to be printed. [Bill 184.]

House adjourned at Two o'clock,  
till Monday next.

## HOUSE OF LORDS,

*Monday, 9th June, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Game Birds (Ireland) \* (127); Local Government Provisional Orders (No. 4) \* (135); Thames Embankment (Land) \* (137); Registration (Ireland) \* (138); Metropolitan Tramways Provisional Orders \* (139); Shrewsbury and Harrow Schools Property \* (140); Conveyancing (Scotland) \* (141); Local Government Provisional Orders (Nos. 2 and 3) \* (142 and 143); Government of Ireland (147).

*Second Reading* — Gas and Water Provisional Orders Confirmation (No. 2) \* (125); Matrimonial Causes Acts Amendment \* (105).

*Report* — Metropolitan Tramways Provisional Orders (No. 2) \* (114).

*Third Reading* — (£12,000,000) Consolidated Fund \*; Tramways Provisional Orders Confirmation \* (92), and *passed*.

## IRELAND—RIOT IN DUBLIN.

### QUESTION.

THE MARQUESS OF CLANRICARDE asked the noble Earl the Foreign Secretary what information Her Majesty's Government had received relative to the disturbance that had occurred at the fire at Dublin last evening?

EARL GRANVILLE said, the latest news received by the Government relative to the recent riot in Dublin was contained in the following telegram from the Under Secretary to the Lord-Lieutenant, which was received by the Marquess of Hartington this afternoon—

"Riot caused by mob of worst roughs taking advantage of fire to break through roof of large whisky stores next to fire. They entered roof

and were expelled by the police. They pelted police and military with stones from corners of adjoining streets, and endeavoured to obstruct Fire Brigade. Troops and police had to clear space to get room to work, and had to charge several times; mob retiring and returning throwing stones. About 30 soldiers hurt, most of them slightly. Eighteen police hurt, also slightly. Thirty-six prisoners taken; young roughs of the worst class."

## GOVERNMENT OF IRELAND BILL.

(*The Earl Russell.*)

[NO. 147.] PRESENTED. FIRST READING.

EARL RUSSELL, who was imperfectly heard, in rising according to Notice to lay on the Table a Bill for the better government of Ireland said, he thought that both their Lordships and the other House of Parliament must participate in the interest with which he viewed the subject which he was about to bring before the House, and the anxiety with which he viewed the existing state of things in Ireland. He regarded the state of that country as anything but satisfactory. He had no wish to cast any blame on the present Government for the measures which they induced Parliament to adopt four or five years ago on the subject of the Church and on the subject of the land tenure in Ireland. In his opinion those measures were wise and beneficial enactments. Experience had, it appeared to him, shewn that the time had arrived when it was absolutely impossible to carry on the Government of that country in conformity with the rules and maxims which were observed in England and Scotland. But before he entered further into this subject, he thought it right to endeavour to show that with respect to the causes of the condition of Ireland there had been mistakes both in this country and in Ireland, the result of which was to present facts from different points of view. From the English point of view, it was alleged that Ireland was so steeped in barbarism that it was impossible to expect improvement on the part of her people. The other view, which he might call the completely Irish view, was that England, by her laws and her system of government, had always prevented the improvement and welfare of Ireland. He believed that both these were entirely mistaken views. With regard to the first, we must admit that owing to the cruelty and injustice of the penal laws passed by this country in

former times, and systematically put in force, it had been made impossible for the Irish people to advance in material improvement. Remarkable testimony was borne to this by a writer in all of whose opinions he (Earl Russell) did not share, but whose statement on this historical point might be accepted by their Lordships. They were told on the authority of Mr. Froude that—

“The price of fleece wool in Ireland in 1730 was 5*d.* a pound; of combed wool 12*d.* a pound. In France Irish fleece wool was sold for 2*s.* 6*d.* a pound, combed wool from 4*s.* 6*d.* to 6*s.* The profits of the contraband trade were thus so enormous that the temptations to embark in it were irresistible.”

How did England behave under such circumstances? Instead of encouraging the people of Ireland to develop a trade in this commodity and increase it to the utmost, she showed the greatest jealousy, and forbade the Irish to sell their wool to any people but the English. They were prohibited from exporting it to France, and heavy penalties were imposed for disobedience to the prohibition. How unjust, then, was it to charge the Irish with not having endeavoured to promote their own commercial prosperity, when at the time to which he referred it was the policy of England to prevent them from doing so and to inflict penalties upon them if they did it—how absurd to allege that the Irish people were so barbarous and so given to discontent that they were incapable of improving themselves or of being amenable to the effects of good government! Mr. Burke, who as Member for Bristol, did great honour to that constituency, was displaced from the representation owing to the jealousy which prevailed in this country with respect to the trade of Ireland. And now for the Irish point of view. Notwithstanding the statement of a gentleman who was formerly an Irish agitator, but who had recently received the honour of Knighthood (Sir Charles Gavan Duffy) that the misery and poverty of Ireland were entirely owing to the policy which England had so long persisted in adopting towards Ireland, they had the authority of all persons who had practical acquaintance with Ireland, that they had not only shown a disposition to turn to good account the improved laws under which they lived, but that they had done it in the most effectual manner. Among the best evidences of the advance Ireland

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had made and was making in material prosperity, let them look at the greatly increased value of land property, and the large employment of labour at largely increased wages. In 1868 the late Lord Mayo—a man who conferred much honour on his country—pointed out in the House of Commons the contrast between the Ireland of 1779 as described by Arthur Young and the Ireland of the present time. He showed that while in 1779 the rental of the county of Cork was estimated by Arthur Young at £256,000; in 1818 it was £808,698; in 1848 £1,284,140; and in 1867 £1,351,208. In 1860 the deposits in the Irish Joint-Stock Banks were £15,609,000; in 1865 £17,000,000; and in 1867, £19,200,000. In 1841 the rate of wages in the agricultural districts of Kildare, Armagh, and Kerry was, in the first-named county, from 4*s.* to 5*s.* a week, for the second 6*s.*, and for the third 5*s.* In 1868 it was for Kildare 8*s.*, for Armagh from 9*s.* to 10*s.*, and for Kerry from 7*s.* to 10*s.* In 1841 the value of the live stock in Ireland was £21,000,000, in 1866 it was £50,500,000. In his speech to the House of Commons, Lord Mayo said—

“Let the House now consider what has taken place since the commencement of the new policy which this country has pursued towards Ireland since 1824-5, the date of the first educational inquiry. In 1829 the Roman Catholic Relief Bill was passed. A short time afterwards a system of national education was adopted. A system of police which had been found excellent and useful was created. The constitution of juries was altered and greatly improved. The fiscal powers of grand juries were regulated. Municipalities were reformed and placed upon a different footing. The Poor-Law was established. The Landed Estates Court was created for the sale of incumbered properties. In fine, it is beyond a doubt that a greater number of beneficial measures were never carried in any country within so short a period of time. Professor Ingram has truly remarked that changes so great, and made within so short a period, constitute the largest peaceful revolution in the history of the world.”—[3 *Hansard*, cxc. 1368.]

He trusted, then, their Lordships would agree with him in thinking that both the extreme views to which he had referred were equally unfounded, and that those interested in the advancement of Ireland ought to look for some other reasons for her present condition. This brought him to what had been going on in Ireland within the last year. He found one of the ablest of the Irish Judges (Mr. Justice Lawson) while presiding over the Criminal Court at Belfast, at the

last Assizes, stating that an illegal and riotous meeting had taken place in that city a short time before, and that the authorities suffered that meeting to go on; and what was the consequence? It resulted in the excitement of the most violent passions—houses were wrecked, lives were lost, and many were threatened:—and such was the rioting in that flourishing place during four days that the town was described as having all the appearance of one taken by storm in which one party were acting as the assailants and the other as the defenders—and all this was allowed to go on without interference by the authorities. Complaints had been made of the course taken by Mr. Justice Lawson in reference to these riots; but he concurred with the learned Judge in thinking it most improper that the local authorities should have acted in such a way as to expose them to the suspicion of favouring these disorders; and he entirely approved the promptness and vigour of that learned Judge in repressing the attempt to interrupt the course of justice by clamour and riotous behaviour. The Judge who endeavoured to put an end to such scenes deserved the thanks of the country. It would appear impossible that such scenes of tumult and disorder could occur in any other part of the United Kingdom. Let him ask their Lordships what would have been done if similar disorder had occurred in Renfrewshire, which was now represented by a right hon. Friend of his the Secretary for the Home Department? It would have been quite impossible that such disorders could have prevailed in the town of Paisley without the attention of the Home Secretary being called to it. On the contrary, the Secretary would have consulted the Law Officers and have taken the most decisive measures to restore peace and order. But in Belfast the affair was apparently unnoticed at the time by the Executive Government, and it was only at the ordinary Assizes that an explanation of the law was given by the Judge presiding in the Criminal Court. Another of the evils of Ireland was one which instead of diminishing seemed to become more aggravated from time to time—he meant the organized system of murder and assassination that existed in the rural districts, these were generally in connection with the possession of land.

For instance, if a man ventured to take land from which the previous tenant had been ejected, he was denounced by a secret society, and his life taken by some of its members; and if the assassin was discovered—which was seldom the case—no jury dared to convict him. Thus this description of crime was committed with impunity. That was an evil which had existed for a long time, and which seemed to him to be as great a danger now as ever it had been, and surely it was full time that, within the limits of law and justice, some remedy should be devised for putting down such a system. Another question which had disturbed the people of Ireland was that of education. For many years grants to the amount of over £400,000 a-year had been made from the Consolidated Fund for national education in Ireland. It so happened that in the parish of Callan there was a parish priest to whom the Irish Board of National Education had intrusted the management of the schools in that parish. The parish priest conducted the schools exceedingly well, devoting much time to them, and attending personally for some hours every day during the giving of instruction. In fact, no one appeared to have had any reason to complain of the priest's conduct as manager of the schools. But suddenly he was deprived of the management of the schools, which was given to another clergyman in whom the parishioners of Callan had no confidence. Mr. O'Keeffe was removed, in the first instance, by his Bishop and Cardinal Cullen—he appealed to the Commissioners of the Board of National Education—but they confirmed the authority of the Bishop and the Cardinal. Why was it that this clergyman had been allowed to be thus summarily dismissed, when the evidence was clear that he had managed his schools admirably and enjoyed the trust and confidence of his parishioners? Their Lordships knew that in foreign countries where the great mass of the population professed the Roman Catholic religion the State had reserved to itself the direction of the education of the people. On the subjects of education and marriage these Roman Catholic States did not allow their secular ministers to be put out by any ecclesiastical or sacerdotal influence. This was the case in Austria, in Germany, and in Italy; and not long ago, when a

complaint was made that the German Government were retaining in an educational office a Catholic priest who had not accepted the decree of the Vatican Council on the Infallibility of the Pope; the great majority of the German Parliament approved the explanation given by the Minister when he said that as the office was not one of public worship but one of education the priest could not be displaced. In like manner, he held that Mr. O'Keeffe had conducted the Callan Schools well, and if he had possessed the confidence of the people of that parish he ought to have been maintained in his post of manager. But he had not been maintained in it. His case had been brought under the notice of the National Board, and one would have supposed that the first inquiry of the Board would be as to whether he had conducted the schools properly and whether he was unfit for the place. But nothing of that kind was done. In his (Earl Russell's) opinion, the question for the Board of Education was whether this priest had discharged his duty as manager of the schools. That, however, was not the question the Board went into. They acted upon Cardinal Cullen's sentence suspending him as parish priest of Callan. Against that not a word of argument was heard from the priest. He did not wish to interfere with the particular questions of religion between Mr. O'Keeffe and Cardinal Cullen and the Church of Rome—it might be that he had been properly discharging his duty as a priest of that Church, and was a victim of slander; or it might be that he was not fit to remain the Roman Catholic parish priest of Callan—these were questions into which he did not want to enter:—but it was for the Courts of Law and the Imperial Parliament to decide whether the Pope's rescripts were in force in this country. In his opinion the only thing the Board of Education had had to consider was whether Mr. O'Keeffe had conducted himself properly as the manager of the schools, and they should have considered all the facts before them and decided irrespective of the religious element or the Papal authority. In his opinion it was a gross abuse of power and a violation of the principles of truth and justice to dismiss Mr. O'Keeffe if the propriety of his conduct in the management of the schools was answered in the affirmative. He was aware that

precedents were alleged for the course adopted by the Board in this instance; nor did he deny that there were occasions on which a body exercising control might justly deprive a clergyman of office. Recently in Scotland the General Assembly had deprived of office a clergyman against whom there had been a charge of continual drunkenness; but nothing of this kind had been alleged—nor he believed could be alleged—in the case of Mr. O'Keeffe. Precedents were valuable as guides, but that species of knowledge was subject to close limitation. Of the knowledge acquired in office he would read to their Lordships a passage from Mr. Burke's speech on American Taxation. Mr. Burke said—

“Much knowledge is to be had undoubtedly in that line, and there is no knowledge which is not valuable. But it may be truly said that men too much conversant in office are rarely minds of remarkable enlargement. Their habits of office are apt to give them a turn to think the substance of business not to be much more important than the forms in which it is conducted. These forms are adapted to ordinary occasions, and therefore persons who are nurtured in office do admirably well as long as things go on in their common order; but when the high roads are broken up and the waters out, when a new and troubled scene is opened, and the file affords no precedent, then it is that a greater knowledge of mankind, and a far more extensive comprehension of things, is requisite than ever office gave or than office can ever give.”

He thought that extract was applicable to the course adopted by the Irish Board of Education. There was at the present moment a great conflict going on between the Pope and the priestly power on one side, and the Governments on the other. In Ireland the question was, whether Ireland was to be governed by Pius IX. and Cardinal Cullen, his viceroy, or by Queen Victoria and the Lord Lieutenant, her viceroy. He remembered that at one time he felt it his duty to allude to the Protestant party in Ireland as “a miserable monopolizing minority;” but he now asked were they going to exchange that for “an arrogant monopolizing majority.” They must make a stand against such a power as that. The Pope had lost his temporal power in Rome; he had lost much of his influence in Germany, France, and Italy; but his spiritual power was still very great, because many millions of people still followed the dictates of the Pope and his Cardinals. The power of the

Pope might, therefore, become dangerous to the peace of Ireland, and it was the duty of the Crown and Parliament of this country to make a stand against it. He had now placed before their Lordships under three heads the evils which in his opinion were hostile to the peace and progress of Ireland. There were, in the first place, unlawful meetings, by which lives and property were placed in jeopardy, and no immediate authority seemed to exist capable of dealing with an emergency. In the next place, the existence in Ireland of secret and unlawful societies, which organized plans for the assassination of obnoxious individuals. And in the third place, by the policy pursued by the Pope's Legate and the Roman Catholic Prelates, the confidence of the people in the administration of national education was destroyed. Their Lordships would now naturally expect to hear what were the remedies he proposed to apply to these evils. It seemed to him that there was great wisdom in the declaration made by Lord Somers in the early part of the last century, when, the year after the union between Scotland and this country, he proposed that the Privy Council of Scotland should be deprived of all power. Lord Somers said that he was prompted to that proposition by a true concern for preserving the public peace; and that while he was heartily desirous of the Union, and no less desirous to make it entire and complete, he considered that it could not be at all perfect while two political administrations subsisted; and that Scotland would be in a worse state after the Union if a distinct administration continued, because while there would be no Parliament to resort to in Scotland, the marks of distinction would continue. The same argument he (Earl Russell) contended, was applicable to Ireland. What had been our mistake in regard to that country? We effected a Union with Ireland, but preserved two distinct administrations. The consequence was that a marked distinction still remained. What he had to propose was what he proposed so long ago as 1850 in the House of Commons, when he introduced a Bill for the abolition of the Lord Lieutenancy and the appointment of a Secretary of State for Ireland. He had no better remedy to propose now. When his Bill came on for second reading on the 17th of June,

1850, he was followed into the division lobby by 295 Members against 70. In the majority were Sir Robert Peel, Mr. Gladstone, Mr. Goulbourn, Sir George Grey, Mr. Sidney Herbert, the Marquess of Kildare, Mr. Monsell, Mr. Morgan John O'Connell, Lord Naas, Mr. Ricardo, Mr. Sheil, Mr. Walpole, and Sir Charles Wood, and other distinguished statesmen; while the only eminent politician in the minority was Mr. Disraeli. When in this country serious disturbances occurred anywhere, the Home Secretary brought it under the notice of the Cabinet, and proposed measures: the Cabinet listened to his reasons, considered the matter, and came to a decision. Suppose the First Lord of the Admiralty wished to build a vessel of the tonnage and form of the *Devastation*, he stated directly to the Cabinet what he proposed, and what was the expense to be incurred; the matter was then and there considered and settled. But what was the course with regard to Ireland? When the Lord Lieutenant received a deputation with some important propositions, his only answer to their representations—and a very proper one it was under the circumstances—was that he would represent to the Government in England the proposals which had been made to him. After this the Cabinet might or might not take the matter into consideration; but the Lord Lieutenant had no power to bring it personally before the Cabinet. Now, that was not a satisfactory mode of conducting Irish business, and he believed that it would be much better to have Irish affairs brought directly under the notice of the Cabinet by a Secretary of State for Ireland who should be a Cabinet Minister. His next proposal was that, in the case of criminal trials, except where conviction might be followed by sentence of death, the verdict of 8 out of 12 of the jury should be sufficient. Then with regard to education he would give an appeal to the Committee of Council in England, which Committee if wrong were committed or alleged, should have power to investigate and to redress any proved grievance. There were a great number of details which he had re-introduced in his present Bill from his Bill of 1850. The question was whether in Ireland, in accordance with our prayer, our councils were so ordered that truth and justice could be established among us for all



generations. In his opinion, under our present system of dealing with Ireland this could not be: neither did he think they could be attained by allowing Cardinal Cullen unrestricted and complete control over the education of the people of that country. Having thus stated his views to their Lordships, he begged to lay his Bill on the Table, and to move that it be read a first time.

Bill for the better government of Ireland *presented (The Earl Russell.)*

*Moved, "That the Bill be now read 1<sup>st</sup>."*  
—(*The Earl Russell.*)

THE EARL OF KIMBERLEY said, that when he first saw the Notice of the noble Earl, that he proposed to lay on their Lordships' Table a measure for the better government of Ireland, he had awaited with anxiety and interest the proposal which his noble Friend was about to bring forward. His noble Friend's great experience, and his knowledge of Irish matters especially, must enforce attention to any opinion he might express, and he had accordingly listened with great interest and attention to the address of his noble Friend. As to the scheme for the administration of the Government of Ireland by means of a Secretary of State having a seat in the Cabinet, instead of by a Lord Lieutenant residing in Dublin, it was quite impossible that he should express an opinion on a plan he had not yet seen; and it would be equally out of place for him to express, or attempt to express, the opinion of the Cabinet on a scheme which they had not had an opportunity of considering. As to the topics referred to by his noble Friend, he (the Earl of Kimberley) agreed in the main with the historical view with which his noble Friend commenced his address. No doubt the laws which formerly prevented the progress and prosperity of Ireland no longer existed, and it was universally admitted that since 1847—the close of the famine—there had been a general revival. As regarded the condition of the country, no doubt there was still much to be desired; but unquestionably since the time to which he had referred there had been a very considerable advance in the general prosperity of the country. As to the riots at Belfast, to which his noble Friend had alluded, and as to which he complained that the Government had not acted with sufficient

vigour—there was no doubt that those disturbances were very serious; and he regretted to say the occasion alluded to by his noble Friend was not the first one on which there had been riots at Belfast. Just before he had the honour of going over to Ireland as Lord Lieutenant there were riots there, and during the period of his Vice-royalty attempts were made to renew them. He knew therefore from experience the exceeding difficulty the Executive had to encounter in dealing with such outbreaks, where parties were so strongly opposed to each other as was the case in Belfast. He was afraid that it was too much the case that the local authorities did not act with the vigour that was desirable at the commencement of these riots; but unless the Executive resolved on taking the administration into their own hands and allowing the local authorities to have no voice in the management of their own town, it was difficult to see how the Government could be held responsible for not having taken the initiative in repressing the rioters. He was far from complaining of the course taken by Mr. Justice Lawson in dealing with the rioters, or with the persons guilty of contempt of Court. On the contrary, he believed that the determination shown by the learned Judge must be matter of satisfaction to all who were interested in the peace and the welfare of Ireland. As regarded agrarian crime—a malady under which Ireland had long suffered—he concurred with his noble Friend in lamenting its existence; but he thought it was a subject that need hardly have been brought forward, because at the present time there was a considerable decrease in the number of agrarian crimes as compared with what it had been of late years. For the last year it had been, as far as he could remember, about 250, as against more than 1,000 two years back. It was not so low as in 1867 and 1868; but it was not much higher. He attributed the cessation of agrarian crime in a great measure to the Act enabling the Lord Lieutenant to suspend the Habeas Corpus Act, which had recently been renewed, and however painful the resort to such a measure was, it was satisfactory to find that, unlike many former attempts at the repression of crime, it had been efficient. That Act had enabled the Government to seize

*Earl Russell*

the men who were the mainspring of these crimes, and had given time to the Church and Land Acts to operate calmly, free from the constant recurrence of serious crimes. His noble Friend, therefore, had no ground for dissatisfaction with the action of the Government and Parliament on this head. As to the Callan Schools, the matter having been referred to a Select Committee of the House of Commons, before which the Education Commissioners were allowed to state the facts, he did not think he ought to enter upon any discussion of the subject;—he would only say that he fully agreed with his noble Friend, that nothing could be more disastrous than that having freed Ireland from the domination of the minority they should allow it to pass under the domination of the majority. The abolition of an unjust ascendancy on the part of Parliament was no reason for allowing the Roman Catholic population more than their just rights as subjects of the Crown. This would be contrary to the interests both of England and Ireland, and to the policy which this country had steadily pursued. It must not be forgotten, however, that, a very large part of the population belonging to the Roman Catholic Church, the heads of that Church necessarily possessed great influence over the different communities. In deciding upon the O'Keeffe case, it seemed to him necessary to consider two things—whether the Board had acted in accordance with precedents, and what was the proper policy to be pursued by the Government and Parliament as regarded national education in Ireland. The question was, whether the present system should be maintained, or whether—which he was far from admitting—it was so defective that, as his noble Friend thought, it was practically in the hands of Cardinal Cullen? The Government and Parliament would certainly not place Irish education in the hands of Cardinal Cullen or of any hierarchy, Protestant or Roman Catholic; but they would proceed with great caution in interfering with a system which, whatever its defects, had been, on the whole, one of the most successful institutions in Ireland, and had conferred great benefits. There had been extreme difficulty in establishing and carrying on a sound system of education in Ireland; while, therefore, maintaining fair play among all classes, and seeing

that the lay element had its full weight, he hoped Parliament would not lightly destroy a structure erected with great care, and which had now existed so many years. The abolition of the Lord Lieutenancy had often been considered; but the Government would await the noble Earl's Bill before expressing any opinion upon it; and admitting, as all must do, that improvements in the Government of Ireland had never hitherto succeeded to the full satisfaction of their authors, any remedies suggested by so high an authority were sure to deserve and to receive patient consideration at the hands of the Cabinet and of Parliament.

LORD ORANMORE AND BROWNE remarked that the noble Earl who had just sat down had given no answer to Mr. Justice Lawson's charge against the Government of neglect of duty in connection with the Belfast riots. It was seldom that such an indictment for neglect of duty had ever been uttered by a Judge against the Government of the country, it was this the noble Earl (Earl Russell) called attention to, and as no answer could be given, it showed at least prudence not to attempt, but left Her Majesty's Government under a serious imputation. He also complained that though the Irish Secretary had in "another place" acknowledged the prevalence of crime in Mayo, yet Government refused the peaceable people of Mayo the same protection that the Peace Preservation Act extended to Westmeath.

VISCOUNT MONCK said, it was a very strong thing to state that Irish education had been handed over to Cardinal Cullen and the priests, and as a Member of the Board of National Education in Ireland, he challenged the noble Earl for proof of his assertion. The system founded in 1832 by the late Lord Derby of united secular and separate religious instruction had not been departed from; and though in a country where Roman Catholics were in a vast majority—forming in some districts almost the entire population—many schools were necessarily under the management of Roman Catholic clergy and laity, every school receiving grants was bound to admit every child to the benefit of secular instruction without any interference with its religious opinions; and so long as this system was maintained he did not see

how it could be said that education in Ireland had been handed over to Cardinal Cullen. Many schools were very naturally under the management of Roman Catholic priests; but the question was whether they were or were not managed according to the principles originally laid down by the Board. The Callan case had been looked at too much from the manager's point of view, and too little with regard to its effect on the education of the country. It seemed to be thought that Mr. O'Keeffe had been deprived of a position of great honour and emolument, and the noble Earl had stated in his recent book that the Board had deprived Mr. O'Keeffe of £300 a-year; but he himself (Viscount Monck) having for some years been manager of schools, had found the office a source of expenditure, and never of emolument, managers being simply the agents of the Board for the administration of the system and for paying the salaries of the masters. By the rules of the Board the idea of such a thing as an *ex officio* right of appointment was expressly negatived. Rule No. 9 was to the effect that in all cases the Commissioners reserved to themselves power to determine whether the person nominated by the patron as local manager could be recognized by them as a fit person to be manager. Every one who had had any connection with popular education knew that one of the great obstacles to be overcome was the difficulty of securing the regular attendance of children at the schools. One, therefore, of the principal elements for consideration in the selection of a manager was the necessity of obtaining a person who from his local connection with the people and his moral influence was most likely to bring the children to school and to keep them there. No one, he thought, fulfilled those conditions so completely as the clergyman, no matter to what persuasion those belonged, of whom he had pastoral charge. On that ground, and on that ground only—not *ex officio* as clergyman, but because his position as a clergyman gave him the sort of influence which the Commissioners were desirous of seeing exercised—he was, as a general rule, selected as manager of the school in his district. But if his moral influence with the people was the principal ground of his selection, it followed that the loss of that moral influence would be a sufficient and a

proper ground for his removal; and he could not help saying that the clergyman, who from whatever cause had incurred the displeasure of his ecclesiastical superiors to such an extent as to induce them to suspend him from the exercise of his clerical functions, came within the rule to which he had referred; because it was inconceivable that such a state of things could exist in any parish without dividing the district into two parties and so depriving the suspended clergyman of his influence with one portion of the people. This subject had been treated as if Cardinal Cullen and the Roman Catholics were the only parties treated in that way. The fact was that the same rule was applied indiscriminately to Protestants of the lately Disestablished Church, to Presbyterians, and to Roman Catholics and all other Communion with which the Board had to deal. He conceived that what he had stated was incontrovertible—namely, that a dispute having arisen between his ecclesiastical superiors and a clergyman must divide the district into two parties, one of which would take part with and the other against the clergyman, and that that *pro tanto* deprived him of the influence which the Commissioners desired he should bring to bear upon the school. He went further perhaps than his Colleagues in the matter, for he held that if a clergyman of any persuasion quarrelled, not with his ecclesiastical superiors, but even with any member of his flock, he would be equally deprived of that moral influence of which the Board wished to avail themselves, and ought to be deprived of the management of the schools of his district. These were the grounds on which he had acted. He might be egotistical on the subject, but he confessed that until some good reason was given to the contrary he would remain of opinion that the majority of the Board had acted rightly in removing Mr. O'Keeffe from the management of the Callan Schools, not because he was deprived of his office as a priest—just as he was not appointed *ex officio* as a priest—but because he had lost that influence which the Commissioners considered it indispensable that a manager of schools should possess, his suspension from sacerdotal functions having divided his flock into two parties, by one of which he was opposed.

EARL RUSSELL observed that what he had contended was, that had the Commissioners confined themselves to their proper duty they would have inquired whether Mr. O'Keeffe was fit to be manager of the schools, and not whether he was fit to be a priest of the Roman Catholic Church.

THE MARQUESS OF KILDARE was understood to say that the noble Earl (Earl Russell) was wrong in supposing that the Commissioners had appointed the manager of the Callan Schools. What they had done was to confirm the appointment of the School Committee. The noble Earl had also made a mistake in stating, as he had done in his recent pamphlet, that gross superstition was taught in many of the national schools in Ireland; that could not be, because no religious education was given to the children during school hours.

LORD CAIRNS said, he did not rise to enter into a discussion of the case of Mr. O'Keeffe, as he had not anticipated that it would on that occasion be made the subject of conversation or comment; but after what had fallen from the noble Viscount (Viscount Monck) he desired to make one remark. He understood the noble Viscount to say that, so far as he was concerned, the decision of the Board of Education removing Mr. O'Keeffe from the management of the schools was founded on the principle, not that Mr. O'Keeffe had ceased *ex officio* to be a priest of the parish, but that he had by his conduct divided his flock into two parties, and had thereby lessened his ecclesiastical influence.

VISCOUNT MONCK explained—What he desired to convey was, that the removal had occurred, not because of the suspension of the priest by ecclesiastical authority, but because he had divided his flock into two parties, and had thereby diminished his moral influence in the parish.

LORD CAIRNS said, he felt a difficulty in knowing what the ground really was on which the noble Viscount had acted. He understood him to repudiate the idea of an *ex officio* removal. It was not, therefore, the ground of removal that he had been deprived of his office of parish priest—there must have been something more—something in the conduct of the manager—which justified the action of the Board. If that were so, he thought their Lordships would be

of opinion with him, that the first principle of justice required that, in that view of the case, the Commissioners ought at least to have heard what Mr. O'Keeffe had to say for himself.

EARL GRANVILLE said, it was obvious that the subject was one in the discussion of which on that occasion no Member of the Government ought to take a part. It was sufficient to say that a Select Committee of the other House was considering the whole matter. It was quite natural, however, that his two noble Friends who were members of the Board of National Education should think it necessary to make the statements they had done. He could not help, in common fairness to his noble Friend (Viscount Monck), saying that he entirely differed from the noble and learned Lord opposite (Lord Cairns) in the construction which he had put upon what his noble Friend had said. He did not understand his noble Friend to make any attack whatever upon the personal character of Mr. O'Keeffe. His argument—whether good or bad—was this—that they thought it desirable to have as manager one who had influence in bringing the children to his school, and that they thought that influence was more likely to be possessed by the clergy of the different denominations than by other persons. His noble Friend added that where a clergyman was incapacitated from acting as a clergyman, his usefulness was diminished for the purposes for which the Commissioners had appointed him. He was not saying whether that argument of his noble Friend was good or bad, but he thought it would be very injurious to him if the impression were to go to Ireland that he had made any attack upon the character of Mr. O'Keeffe.

Motion agreed to; Bill read 1<sup>st</sup> accordingly; to be printed; and to be read 2<sup>d</sup> on Monday, the 30<sup>th</sup> instant (No. 147).

#### GAME BIRDS (IRELAND) BILL [H.L.]

A Bill for altering the shooting seasons for Grouse and certain other game birds in Ireland—Was presented by The Viscount Powerscourt; read 1<sup>st</sup>. (No. 127.)

#### LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 4) BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Buxton, Carnarvon, Ealing, Ponty-

pridd, Ravensthorpe, Reading (2), Shipley, Teignmouth, Wheathamstead and Wisbech, and Walsoken (2)—Was presented by The Earl of MORLEY; read 1<sup>st</sup>. (No. 135.)

House adjourned at a quarter before Seven o'clock, till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 9th June, 1873.*

MINUTES.]—NEW WRIT ISSUED—For Devon (Southern Division), v. Samuel Trehawke Kekewich, esquire, deceased.

PUBLIC BILLS—Ordered—First Reading—Betting Houses \* [185]; Municipal Corporation (Borough Funds) \* [186].

Second Reading—Supreme Court of Judicature [154], debate adjourned.

Third Reading—Juries (Ireland) \* [166]; Marriages Legalization, Saint John's Chapel, Eton \* [179], and passed.

### ENDOWED SCHOOLS COMMISSIONERS —DAVID HUGHES'S CHARITY.

#### QUESTION.

MR. DAVIES asked the Vice President of the Council, Whether it is intended to reintroduce the scheme of the Endowed School Commissioners for David Hughes's Charity at Beaumaris, presented to Parliament last year but withdrawn in consequence of an Address being presented to Her Majesty from the House of Lords objecting to the scheme, because the bishop of the diocese was not named an *ex officio* governor?

MR. W. E. FORSTER, in reply, said, that the other House had agreed to a Motion for an Address to the Queen, objecting to the scheme of the Endowed Schools Commissioners for the school in question, on the ground that the Commissioners had found themselves obliged, in deference to the opinion of the Law Officers of the Crown, not to name the Bishop of the diocese or the incumbent of the parish as an *ex officio* governor. The whole question was now being considered by the Select Committee upstairs, and would have to be considered by the House; and he did not, therefore, think it would be wise for the Commissioners to bring forward a scheme affecting it, until that consideration had been given.

### NAVY—THE "ROWENA"—SHIPPING AGENTS.—QUESTION.

SIR JOHN HAY asked the First Lord of the Admiralty, If he will lay upon the Table Copies of the Papers on the subject of Transport "Rowena;" and, of any Reports by the Director of Transports on the employment of Shipping Agents?

MR. GOSCHEN, in reply, said, that the case to which the Question of the hon. and gallant Baronet referred was one of sea damage to a small cargo of naval stores, which were consigned to the Cape in October, 1870. On account of the length of time which had elapsed, and of certain questions of liability which were involved, he thought it would not be desirable to furnish the Papers asked for. In answer to the second part of the Question, no Reports had been made. The system had worked satisfactorily during the last two years, and no Government Stores had suffered damage, notwithstanding that many accidents of the nature had happened to the Mercantile Marine.

### METROPOLIS WATER ACT (1871).

#### QUESTION.

MR. AGAR-ELLIS asked the Secretary of State for the Home Department, What steps he has taken, or is about to take, to remedy the defects of the Metropolis Water Act of 1871, as the constant supply Clause has proved to be altogether inoperative for ensuring a constant high-pressure service of water for fires in the metropolis?

MR. STANSFELD, in reply, said, he had taken no steps in the matter. The state of the law was, that it rested with the Metropolitan Board of Works, in the first instance, to require a constant supply of water, and if they refused to make the request, or there was any unreasonable delay in making it, the Local Government Board might require the thing to be done. He was not aware that any action had been taken by the Metropolitan Board in the case referred to in the Question; but if there were any unreasonable delay in the matter, the Local Government Board would have to consider what course it was desirable to pursue.

## THE INDIAN BUDGET.—QUESTION.

MR. R. N. FOWLER asked the First Lord of the Treasury, Whether he is in a position to fix a day for the consideration of the Indian Budget; and, whether he will be able to carry out the recommendation of the Committee on East Indian Finance that the Budget should be brought forward in future in February?

MR. GLADSTONE, in reply, said, that he did not think the time had yet come for fixing a day for the consideration of the Indian Budget. He should, however, endeavour to secure the object which the hon. Gentleman, no doubt, had in view, by giving a day for it before the greater portion of hon. Members had dispersed. As to the second part of the Question, he had to state that as the recommendation of the Committee did not relate to the Budget, properly speaking, so much as to an audit of accounts up to the financial year ending the 31st of March preceding, he saw no good reason why it should not be acted on. The Government certainly would be very much disposed to give it effect.

## ARMY—THE AUXILIARY FORCES—VOLUNTEER BANDS.—QUESTION.

LORD ELCHO asked the Secretary of State for War, Whether his attention has been drawn to the statement in the newspapers that a volunteer band appeared in uniform in the recent trades procession on Whit Monday; and, whether he approves of volunteers or volunteer bands taking part in political demonstrations; and, if not, whether he will cause an order to be issued forbidding it in future?

MR. CARDWELL: Sir, by the existing Regulations no portion of the Auxiliary Forces is permitted to take part in any public procession or ceremony without the special authority of the General Officer commanding the district. I need scarcely say that no such authority was applied for in the present instance. By another Regulation, no band of Volunteers is permitted to appear in uniform without the authority of its commanding officer.

## VISIT OF THE SHAH OF PERSIA.

## QUESTIONS.

MR. DENISON asked the First Lord of the Treasury, If he will communicate to the House any detailed programme of the proposed reception and entertainment of the Shah of Persia and his Ministers? His Question, he might add, had reference only to those greater occasions in which the general public might be supposed to be more especially interested, and not to any Royal hospitalities within the precincts of the Palace.

MR. GLADSTONE, in reply, said, that taking the Question as it stood on the Paper, it had been replied to on more than one previous occasion. He could, therefore, only repeat what had been said before, and what probably the hon. Member expected—namely, that it was impossible to give any detailed programme of the proceedings during the Shah's visit. Some discretion must be left to those who were responsible for those proceedings, and it was not even desirable that the Foreign Sovereign, in whose honour there was to be a manifestation of any kind, should be made to view everything as if he were being put on drill.

MR. RYLANDS, referring to a recent statement of the hon. Gentleman the Under Secretary of State for India, to the effect that the hon. Member for Penryn (Mr. Eastwick) possessed great influence in the councils of Teheran, wished to know whether the hon. Gentleman would, by the desire of the Government, be one of the Gentlemen in attendance on the Shah?

VISCOUNT ENFIELD said, as the hon. Gentleman had not given him Notice of the Question, he would, perhaps, be kind enough to repeat it to-morrow, when he should be happy to give him an answer.

SIR WILFRID LAWSON said, a rumour had reached him that the House should adjourn over some day next week in honour of the festivities on the occasion of the Shah's visit; he wished to know whether the rumour was correct?

MR. GLADSTONE: I have heard nothing of the rumour alluded to by the hon. Baronet.

CRIMINAL LAW—CHIPPING NORTON  
MAGISTRATES.—EXPLANATION.

MR. BRUCE: Sir, I have received a Report from the clerk to the visiting justices of the county gaol at Oxford on the complaints of Mary and Elizabeth Pratley as to the insufficiency of food for themselves and children, and general neglect and ill-treatment during their imprisonment, and the absence of inquiry by the visiting justices and other prison authorities as to the sufficiency of their food. I am informed that Mr. Hammersley, the Chairman of quarter sessions, and two other visiting justices visited the gaol on the 24th of May, two days after the admission of the prisoners, and they state that all the women were asked by the Chairman in the presence of the governor and the matron, whether they had any complaint to make, and that they answered they had not. Two surgeons who attended the prison saw these women, and state that they were healthy, received sufficient food, and although asked if they had any complaint to make, made none. The matron of the prison states—

"Both the mothers and children were healthy on their admission, and also on their discharge. They were furnished with the same diet as all other prisoners with babies have been during the 12 years I have been in the prison, where I have had many such under my charge, and according to the rule and dietary table which has been always found to be sufficient, and has never occasioned any complaint. Each child was supplied every morning and every evening with a full half-pint of new milk, and also with six ounces of bread each day, usually allowed for babies. In addition to the above diet, I made some sop with sugar for Elizabeth Pratley's child each day, as she told me her child had been accustomed to have sugar. I asked each prisoner every night at supper, whether they had got all they required for the children, and they always answered in a satisfactory and contented manner that they had. The prisoners did not on arrival complain of any cold or damp, and during their imprisonment did not complain to me of anything, excepting that Mary Pratley, two days after admission, complained of rheumatism, when I asked her if she would see the doctor, but she did not think it was necessary to do so. Each prisoner slept on a wooden bedstead and straw mattress, and was supplied with a rug, a sheet, and two blankets. I was present when the three visiting justices saw the prisoners, and I heard the Chairman inquire whether they had any complaint to make, and they answered they had not. I never noticed that Mary Pratley's child had a cough, and I must have observed or heard it if it had been so; and certainly I never found or saw her child suffering on Sunday from a cough, as she has stated."

METROPOLIS—HYDE PARK—THE  
REGULATIONS.—QUESTION.

MR. COLLINS, (for Mr. J. LOWTHER,) asked, What are the Regulations relating to the admission of persons on horseback into the central enclosure of Hyde Park; and, whether such regulations were carried into effect on Monday, June 2nd?

MR. BRUCE in reply, said, that the police on duty in the Park on the day mentioned by the hon. Member were not at first aware that the procession was headed by a certain number of mounted men, and that when they found that it was so headed, believing that if they interfered they would cause confusion, and exercising the best of their judgment at the moment, they allowed the mounted men to enter the enclosure. It was, however, against the rules that horsemen should be allowed to enter that enclosure, and strict orders had been given to prevent such an infraction of the rules in future.

ORDERS OF THE DAY.

*Ordered*, That the Orders of the Day subsequent to the Order for the Second Reading of the Supreme Court of Judicature Bill be postponed until after the Notice of Motion of Mr. Chancellor of the Exchequer relative to the Mail Contracts for the Cape of Good Hope and Zanzibar Mails.—(*Mr. Gladstone.*)

SUPREME COURT OF JUDICATURE

BILL (*Lordes*)—[BILL 154.]

(*Mr. Attorney General.*)

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving that the Bill be now read a second time, said, it would be his duty to state as shortly and as clearly as possible the general principles of the measure to which he was about to ask the House to give its assent. So far as the drafting of the measure was concerned, his noble and learned Friend the Lord Chancellor—taking, in some degree, the Law Officers of the Crown into his counsel—was responsible; but the noble and learned Lord would, no doubt, admit that the Bill itself was, to a large extent, an embodiment of the recommendations of the Judicature Commission,

which was itself the result of a considerable amount of Parliamentary discussion which had been had on the subject, and which had created an opinion out-of-doors on the question. No doubt, the matter had first taken tangible form in the memorable speech which had been delivered by the noble and learned Lord in that House in 1867, and the influence and authority of the noble and learned Lord had doubtless given to the question an impulse which it might otherwise have wanted. The subject was fortunately one entirely removed from the ordinary regions of party politics; but while labouring under that disadvantage, every candid person must admit, at the same time, that it was one on which it was necessary that a competent opinion should be created out-of-doors before the attention of Parliament could be successfully directed towards it. He hoped that by that time there had been sufficient discussion in and out of that House to enable them to deal with it once for all, and that the Bill would be found, he would not say so perfect as to shut out all future legislation, but a large and valuable contribution to that portion of law reform. Without entering into a lengthened history of the subject, or a defence of the law of England as at present administered, or of the tribunals which administered that law, he might say, as one who had passed a large portion of his life in its study, that he had formed a strong opinion that, whatever might be the defects in the law, they were to be attributed, not to the learned Judges who administered it, but to the fact that the system on which it was founded, having grown up during the Middle Ages, was incapable of being adapted to the requirements of modern times. While saying, on the whole, that whatever might be its defects, it was founded on substantial justice and common sense, yet it was beyond controversy, that in many instances our procedure was impracticable and inconvenient, for no one practically conversant with its details could deny that there were certain great defects in them which ought to be remedied. First of all, there was the broad distinction which had become inveterate between what was called in this country Law and Equity. In other countries, the distinction existed, and must always exist; but in this country alone, Law and

Equity were made the subject of separate and even conflicting jurisdiction. A second defect of their system had been a great waste of judicial power. Many questions which came before the Common Law Courts were questions rather for the determination of a single Judge than a Court of four persons, highly paid, and generally men of first-rate ability. It was no answer to the statement that there had been a great waste of judicial power, to say that as the business of the country had increased more Judges had been made, because so long as we went on making more Judges and occupied them in the same Courts, we really only intensified the mischief, and did not to any appreciable extent diminish the evil of a waste of judicial power. Another great defect of the present system had been the Terms and Vacations of the legal year. The Terms had been altered in some respects, that was to say the beginning and the end of Terms had been fixed by Act of Parliament, but, practically speaking, and without going into antiquarian discussion, the Terms and the Vacations remained what they were in the Middle Ages. Many things could be done in Term only, and the singular practical inconvenience which arose from that cause must have struck everyone having any knowledge of the subject. An example of that had occurred recently. His noble and learned Friend had stated in the other House, that a question arising on a summons which was issued by a magistrate in November last, with reference to an alleged breach of the Parks Regulation Act, could not be decided, owing to the present system of Vacations, by a Common Law Court before the latter part of January last, although many other similar cases were depending on the decision with reference to that summons. Another great defect of our present system had been the exceedingly imperfect constitution, and the still more imperfect working, at any rate, on the Common Law side, of our Courts of Appeal. The operation of their intermediate Court of Appeal was bad and intermittent; and no man, whatever might be his view of the constitutional position of the House of Lords, who had had any knowledge of its practical working, could deny, that a more indefensible institution as a judicial institution it was hardly possible to con-



ceive. Although lawyers had been able to maintain a poor sort of living, still everyone knew that the people who went into a Court of Law were greatly the exception. Very few persons, comparatively speaking, ever went to law, and very few who had gone once would ever go again; and those people who had enjoyed the luxury of an appeal to the House of Lords must be very few indeed. When they had got a great appeal decided by that august tribunal, and when they had the satisfaction of paying the highly deserving recipients whom they must pay for that luxury, both sides probably went away with a thankful feeling of relief, and with a hope that they would never hear of the House of Lords again in its judicial capacity. These were matters which lay upon the surface, and which he hoped it would be found this Bill satisfactorily dealt with. The subject of the Appellate Jurisdiction of the House of Lords was not among those referred by Lord Chelmsford when Lord Chancellor (in 1867) to the Judicature Commission. They reported during Lord Hatherley's Chancellorship, and on two occasions, Lord Hatherley attempted to deal with the question and put their Report in the shape of a Bill. But those Bills at the time, and now, appeared to him (the Attorney General) to carry the seed of their own want of success in two important respects. Those Bills proposed to relegate to an authority beyond the walls of Parliament the Appellate Jurisdiction exercised by the House of Lords, and laid down a principle upon which what was called a fusion of Law and Equity was to be effected. That Bill was never submitted to a vote of the House of Commons. It omitted to define the principles on which the Judges were to act in the carrying out of the Law Reform which it was introduced to establish. He thought Parliament could not properly decline to give its tacit or express assent to the principles on which the Judges should act in such a work. In both of these respects, this Bill was free from the objections to the Bill introduced by Lord Hatherley. This Bill broadly and intelligibly laid down the principles upon which the Courts should proceed in the carrying out of the Law Reform which it proposed. A most able analysis of this Bill had been published by a grandson of the late distinguished Lord Chief Baron Pollock. He would

now proceed as briefly as he could to describe the general proposals of the measure. The great defect in the system was the conflict of jurisdiction that existed between the Courts of Law and the Courts of Equity. Most descriptions which were epigrammatic and antithetical were sure to be incorrect; and it was not correct to say, as he had heard it stated, that they had established one set of Courts for correcting the intolerable injustice which another set of Courts had committed. At the same time, that description contained truth. No doubt, the Courts of Common Law, without the ameliorating and softening hand of Equity, would have administered a system under which this country, with its various complicated relations, would have found it impossible to live. There had been an inconvenient contest between the Courts of Law and the Courts of Equity, and that would be put an end to at once if the Bill passed. There were Courts of Law and Courts of Equity, each of them separate and distinct, with co-ordinate jurisdiction, unable to interfere with each other, except as the Court of Chancery interfered with suits at Common Law. These defects were known both to lawyers and suitors; but the public at large were not interested in them, and therefore let things go on as they were. The first and main principle of the Bill was that there should be one Queen's Court—the Queen's Court of Supreme Jurisdiction; and in that Court perfect Law and perfect Equity should be together administered. That Supreme Court, into which all the existing Courts would be merged, would itself be divided into a High Court of Justice and an Appellate Court, of which the various Courts of Appeal and of First Instance would respectively form part. The Bill was not one for the fusion of Law and Equity. Law and Equity would remain, and for this reason—they were not the creatures of statute; an inherent distinction existed between them, and the subject-matter of Law and of Equity was not the same, and could not be made the same by Act of Parliament. The defect of our legal system was, not that Law and Equity existed, but that if a man went for relief to a Court of Law, and an equitable claim or an equitable defence arose, he must go to some other Court and begin afresh. Law and Equity, therefore, would remain if the Bill passed, but they would be adminis-

tered concurrently, and no one would be sent to get in one Court the relief which another Court had refused to give. It seemed to him that that was the only intelligible way of dealing with the question. Great authorities had no doubt declared that Law and Equity might be fused by enactment; but in his opinion, to do so would be to decline to grapple with the real difficulty of the case. If an Act were passed doing no more than fuse Law and Equity, it would take 20 years of decisions and hecatombs of suitors to make out what Parliament meant and had not taken the trouble to define. It was more philosophical to admit the innate distinction between Law and Equity, which you could not get rid of by Act of Parliament, and to say, not that the distinction should not exist, but that the Courts should administer relief according to legal principles when these applied, or else according to equitable principles. That was what the Bill proposed, with the addition that, whenever the principles of Law and Equity conflicted, equitable principles should prevail. Few Common lawyers would deny that where the two principles differed Equity was right and Common Law wrong; and the Bill, therefore, did homage in such cases to the superior breadth and wisdom of Equity. Though the separate jurisdiction of the Courts would be merged in the one Supreme Court, it was more philosophical to recognize facts, and as for the general convenience, as it was impossible you could have 31 or 32 Judges all sitting together, there must be Divisions of the Court, the question arose—what shall they be called? Now, he thought it very important to preserve historical associations wherever you could do so. England was not the least great in its legal history and associations, and to destroy all those associations in the nomenclature of the Law Courts would be unwise. As the things remained it was well that the names also should remain. Instead, therefore, of calling these different Courts by names which were not only new but new-fangled, it was proposed to call them by the old names—the Chancery, Queen's Bench, Common Pleas, Exchequer, Bankruptcy Divisions, and so on. Further, as there must be a division of labour, and the Courts must consider criminal informations, election petitions, registration appeals, questions

of real property, specific performance, winding-up cases, questions between husband and wife, the enforcement of trusts, and so on, it was far more convenient, while getting rid of any conflict of jurisdiction, that the work which the Courts now did they should continue to do, at all events in the first instance. Every Division of a Court would have the jurisdiction to hear any class of business; but if it were found that some kinds of business could be better decided by one Division than another, this business might be transferred, without cost or inconvenience to the suitor. He hoped that we should thus get rid of the scandals of our present procedure, and that, while preserving necessary and inevitable distinctions, we should not allow them to obstruct the process of substantial relief to suitors. That brought him face to face with the Amendment of his hon. and learned Friend the Member for Denbigh (Mr. Osborne Morgan), which ran thus—

“That, in order to ensure the due administration of Law and Equity by the High Court of Justice as provided by this Bill, it is expedient that provision should be made for the appointment to each division of such Court of one or more Judge or Judges practically conversant with the principles and administration of Equity.”

That hon. and learned Gentleman, in this matter, might be regarded as the spokesman of a number of distinguished men who had addressed the Lord Chancellor on the subject, and it was not unnatural that men who had grown up under a system such as that administered in the Court of Chancery should be anxious respecting the tendency of a Bill dealing with it. Although his (the Attorney General's) knowledge of Equity procedure was naturally imperfect, he could assure his hon. and learned Friend he would give very little support to a measure which would prevent the full operation and development of that admirable and beneficent system, whatever faults might be incidental to its working. But if his hon. and learned Friend thought him prejudiced in favour of Common Law he would probably recollect that the Lord Chancellor, who originally introduced this Bill to the notice of Parliament, was for many years the ornament of the Courts of Equity, and that he of all men would be the last to injure a system to which he owed, and which owed him, so much. His hon. and learned Friend the Solicitor General,

also, was one of the most powerful among those who now practised in those Courts, and no one would suppose he would willingly impair a system he so thoroughly understood, and of which he was so great an ornament. Being himself a representative of what Lord Westbury had been pleased to describe as the degraded and baser parts of the law—a description which gave evidence of a not very accurate acquaintance with the subject with which the noble and learned Lord dealt—he could not hope that his professions of tenderness for Equity would have as much weight as the fact that the sympathies of the Lord Chancellor and the Solicitor General were distinctly in favour of it. The Judges, his hon. and learned Friend perhaps knew, had loudly called for help. In effect they had said—“If we are to be turned into Courts of Equity, for God’s sake send us some men who understand Equity, and do not leave us a prey to distinguished Equity counsel”—such, perhaps, as my hon. and learned Friend. It was manifest, therefore, that in both the Equity and Common Law Courts there should be persons competent to give information on points respecting which the Judges, having been brought up under a different system, were naturally wanting. It would not do for the Bench to be inferior to the Bar. Of course, it must always be that some distinguished members of the Bar should be superior to some upon the Bench; but those were exceptional cases, and it could not be tolerated that the Bar as a body should be superior in knowledge to the Bench. It was, therefore, obvious that it would be impossible to work this Bill properly, unless some such thing as his hon. and learned Friend suggested was done. If the Fates were kind, and permitted the continuance of his noble and learned Friend in office, it was his intention that everything necessary and proper for the administration of the law under the Bill should be done. He was not authorized to speak in the name of hon. Gentlemen opposite, but he believed that what he had said of the Lord Chancellor could be said with equal truth of Lord Cairns, should he again fill the office he so worthily filled some years ago. In fact, it would be impossible to administer the Bill satisfactorily, except in the sense suggested by his hon. and learned Friend’s Amendment. Still,

*The Attorney General*

that was a very different thing from enacting that such a course should be pursued; because to enact what his hon. and learned Friend’s Amendment pointed to would be to stereotype on the face of an Act of Parliament that distinction between Law and Equity which it was the object of the Bill to destroy. Henceforth, if this Bill came into operation, all men practising in the Courts would soon be sufficiently accomplished to deal with the law on either side. Of course, a period of transition would occur, during which some difficulty would be experienced, but the transitional period would not be of long duration. Under the circumstances, therefore, he thought his hon. and learned Friend would see that it was most inexpedient to press his Amendment, and that he would be content with an assurance that his object should be carried out. So much for the High Court of Justice, but the Bill would be imperfect without the creation also of a Court of Appeal. What could be more anomalous than the present state of the Courts of Appeal? As far as Common Law cases were concerned, there were two Courts of Appeal—first, the Exchequer Chamber, and then the House of Lords. In the Court of Chancery, speaking under correction, he would say there was not always a reference to an intermediate Court of Appeal; in certain cases there might be an appeal to the House of Lords, without the intermediate appeal to the Lords Justices. Then there was the Judicial Committee of the Privy Council for appeals from the Colonies, Ecclesiastical and Admiralty cases. The Exchequer Chamber had almost every fault that a Court of Appeal could have. It was uncertain—he would speak tremblingly of the Judges in the presence of the right hon. and learned Gentleman (Dr. Ball); but they were men who had feelings, and he had known cases when a judgment of a particular Court, if there were any means of overruling it, was pretty sure to be overruled in the Exchequer Chamber. Then, there was no absolute necessity that the Exchequer Chamber should have a larger number of Judges than the Court which it overruled, and it had often happened that where the two Courts were divided, it was the opinion held by the minority of Judges which prevailed. The Court sat, too, but for a very limited time, and that time was uncertain. The

Lords Justices formed a much better Court of Appeal, and for a very long time had given satisfaction. The Privy Council, too, for something like 25 or 26 years was about as good a Court as this Empire contained; but it became exceedingly difficult to maintain it in that high state of efficiency, because, as it was until lately an entirely unpaid Court, it was almost entirely dependent on the services of unpaid Judges. At last it became almost impossible for it to continue its sittings. The Judicial Committee still remained an absolutely good Court; but that had happened which some predicted when the Bill for its improvement was before Parliament. It would be said that if we were to have paid and unpaid Judges on the tribunal, in a short time it would be the paid Judges only that would attend. It had not quite come to that, but very nearly so, and he could not help thinking that the sort of august character which the Privy Council possessed was in peril of being lowered and the Court brought to the condition simply of a well-officered and well-filled tribunal. As for the House of Lords, it was his duty, whatever hon. Gentlemen opposite might think, to say what he thought of it as a judicial institution. For his part, he would say that if this Bill did nothing else but get rid of the House of Lords as a judicial tribunal it would be worth while to pass it. He could not believe that if suitors had any power of combination the House of Lords would have lasted as a judicial institution to the present time, such were the expenses and delays of it. He was himself in a case which had been pending in the House of Lords for six or seven years. The utter irresponsibility of the Judges who composed it made it a perfectly indefensible institution. He did not know what would be said now of Chancery Appeals, but he did know that some time ago they used to be decided by a single Peer, and a caustic Lord Justice used to say that the way they were decided made him hold up his hands in respectful amazement. Practically, at present the Common Law Appeals were decided by a single Judge, for there was not a single Common Law Lord but one who attended the sittings of the House of Lords. Lord Penzance was too ill at present to attend, and before he generally was too busy. He recollected cases

in which the unanimous opinion of the Court of Common Pleas and of the Court of Exchequer was overruled by this single Common Law Lord, the Judges not being summoned. Besides, the House of Lords now was not what it used to be in former times. Everyone knew that it was to the House of Lords, as a co-ordinate branch of the Legislature, and to the whole Peerage that the Constitution wisely, or unwisely, intrusted the declaration upon appeal of what was the law of England; the Judges were in those days habitually summoned as their advisers, and the House of Lords, in 99 cases out of 100, or even in a still larger proportion, followed the advice given by the Judges. It was perfectly true that Lord Eldon said he had the right to overrule all the Judges in England, but that was a right which neither that noble and learned Lord nor the House of Lords itself had ever yet exercised. The House of Lords was at that time a convenient medium through which to ascertain the judgment of all the Judges; but that was not the case now. The whole character of the House of Lords was definitely changed in the famous cases of *The Queen v. O'Connell*. The lay Members of the House attended in large numbers on that occasion, as they had done in former days; but the Duke of Wellington earnestly advised them to take no part in the decision. They acted upon his advice and abstained from voting, and the Law Lords divided according to their political sentiments. He had no doubt that they were perfectly honest in what they did, but the fact was that the noble and learned Lords who were opposed in opinion to O'Connell voted against him, and those who were in favour of his views voted for him. From that day to this an appeal to the House of Lords had really been an appeal to two or three Law Lords who happened to attend, for the rule of the House now was, that the Judges were not summoned unless both parties desired it. [*Dissent.*] He might be wrong about the rule, but, at all events, the Judges were very seldom summoned. Practically the Appellate Jurisdiction of the House of Lords was in different hands from what it used to be, and from what the constitution intended it should be, and he saw no reason for maintaining the new state of things for which there

was no precedent, and which was found extremely inconvenient. That, indeed, might be said to be the opinion of the House of Lords itself, which had passed that Bill and sent it down to them with those provisions. Now, the Court of Appeal which it was proposed to create would consist of 12 or 14 persons. There would be five *ex officio* Members—the Lord Chancellor, the three Chief Judges of the Common Law Courts, the Master of the Rolls; the four paid Judges of the Privy Council—who took office with the understanding that they should be available for any reconstruction of the Court of Supreme Appeal—and three others—an ex-Lord Chancellor or Judge, and certain Scotch and Irish Judges, if they thought fit to come. The Court of Appeal would sit in two divisions all the year round, according to rules to be drawn up, and the present unintelligible and inconvenient distinction between Terms and Vacations would be abolished. Except an increase to the salary of the Judges of the Admiralty Court, as proposed by the House of Lords, and an increase of £1,000 a-year to the salaries of the paid Members of the Court of Appeal other than the *ex officio* Members, the Bill did not create any additional charge to the country—or, at least, certainly no permanent additional charge. Speaking on these matters on the second reading, it would be understood that he spoke with entire reserve; that the whole of those matters were absolutely open, and that he was merely describing the Bill as it came from the other House. The Judges of the High Court would be reduced to the old standard at which they stood before the House of Commons transferred the Election Petition business to them, and made that a reason for adding three members to the Judicial Bench. Experience had shown that the Election Judges—those at least who had been added—had not their time fully occupied, and it was desirable that highly-paid persons should be fully employed. To the new Court of Appeal it was proposed to transfer the whole of the English appeals to the House of Lords, and also the whole judicial business of the Privy Council, excepting the ecclesiastical appeals. The jurisdiction of the House of Lords would be kept alive for the hearing of Scotch and Irish appeals. If the Scotch and Irish people preferred that that should be so, they were en-

titled to have their preference, and as an Englishman he had no right to meddle with it. He had always thought the defect of the Judicial Committee of the Privy Council, if it had a defect, was in ecclesiastical matters, and that the presence of Bishops on that tribunal contributed nothing whatever to the weight of its decisions as legal decisions, while it affected to give them a sort of factitious spiritual influence which three Bishops who happened to be Privy Councillors could not possibly confer. He thought that questions of property and law, even as far as the interests of the Church herself were concerned, ought to be decided by lawyers. However, they had to deal with questions which were not strictly legal questions, and therefore the Judicial Committee would remain for the purpose of ecclesiastical appeals. As he had stated, there would be two Divisions of the Supreme Court, to one of which would be entrusted the cases now dealt with by the Judicial Committee. In that case, the whole jurisdiction and process being thus transferred to the Supreme Court, the decisions would still remain as the decisions of the Queen herself, Her Majesty being advised by the Judges of that Court, as she was now advised by the Judicial Committee. They would sit continuously all the year round, and as he had said before, the present inconvenient distinction between Terms and Vacations would be abolished. There would also be sittings in London and Middlesex. Another important provision in the Bill was the power of appointing official and regularly constituted referees. It was proposed that the Judge in Chambers or the Court should be able at any stage of the case, if it clearly appeared not to be a case fit for trial in Court or for adjudication by a Judge and jury, to refer it by an Order. There would be attached to the Courts certain official referees, who would take those references as part of their regular duty. He hoped that portion of the Bill would be found satisfactory, and get rid, in working, of one of the justest causes of complaint that existed, at all events, on the Common Law side of the question. He did not mean to go at length into the Schedule of Procedure, which would be found exceedingly important. That was matter rather of discussion clause by clause in Committee than one which could usefully occupy the attention of

the House at the present stage. In general, it was an attempt to initiate a more sensible and intelligible mode of procedure—to get rid, if possible, of the defects both of Chancery and Common Law procedure, and to produce something in the shape not of pleading, but procedure, that should be at once sensible and satisfactory. Such in outline was this measure which he had introduced—he knew how imperfectly—to the attention of the House. There were two subjects connected with the question of Law Reform—the Reform of the Law itself and the reform of the procedure by which the Law was administered; and they were very distinct. In some respects this Bill, in different portions of it, dealt with both these subjects; and he trusted it would be found to deal with them satisfactorily. At any rate, such as it was, he begged leave to recommend it to the attention of the House of Commons. So far as the Government were concerned, they did not aspire or pretend to any greater responsibility or merit in the question than having recognized the position of public opinion, and striven, as far as they could, to give effect to it. He asked the House to recollect that the Bill came to them with the sanction of the House of Lords—it came to them from the House of Lords, which had shown both great wisdom and patriotism in declining any longer to stand in the way of a great public advantage, for which there was a great public demand. The Government proposed to do no more than accept the will of Parliament, to become, in this respect, the ministers of its will and interpreters, as far as they understood them, of the wishes of the people—perfectly content, if they could conduct the Bill to a successful issue, to give credit when they found it was due to others for having by intelligent discussion brought about that state of public opinion and feeling which rendered that or any other measure possible. With regard to the Notice of the hon. Member for East Sussex (Mr. Gregory) to send the Bill to a Select Committee, that was a Motion contingent on the second reading, and could not come before them unless the second reading was carried. He would, therefore, say no more than this—Here was a large, important, and valuable contribution to Law Reform; they had waited for it long enough, too long—

and he would be no party to any proceeding that had any tendency to imperil its success, or even, in any appreciable manner to delay its progress.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. Attorney General.*)

MR. CHARLEY, in rising to propose the Amendment, of which he had given Notice, said, the hon. and learned Gentleman the Attorney General had pronounced a sweeping condemnation on the appellate jurisdiction of the House of Lords, and affirmed that it was utterly indefensible. He (Mr. Charley) begged to move—

“That it is inexpedient to abolish the jurisdiction of the House of Lords as an English Court of Final Appeal.”

The Attorney General said that the present Bill was founded on the Report of the Judicature Commission. That Commission had recommended that there should be a new Court of Appeal created in substitution for the Court of Exchequer Chamber and the Court of Appeal in Chancery, and that there should be an appeal to the House of Lords both from the new Court of Appeal and also directly, subject to the consent of the respondent, from the High Court of Justice. By its 17th clause, the present measure swept away the appellate jurisdiction of the House of Lords in England altogether. The Commissioners were anxious that an opportunity should be afforded of testing the efficiency of the new Court of Appeal before touching the appellate jurisdiction of the House of Lords, and that in any case a second appeal should be retained. The Bill, therefore ignored the recommendations of the Judicature Commission. To the first Report were attached the names of the present Lord Chancellor and the Attorney General. The hon. and learned Gentleman further said, that the House of Lords had voluntarily abandoned their appellate jurisdiction; but, in 1856, a Select Committee of the House of Lords considered the question of their appellate jurisdiction; on that Committee sat, not merely distinguished laymen like Lords Derby and Lansdowne—but the greatest lawyers of the day—Lords Lyndhurst, Brougham, Cranworth, Campbell, and St. Leonards, and they unanimously recommended that the appellate jurisdiction should be re-

tained. Last year also a Select Committee sat on the same subject, and recommended not the abolition, but rather the extension of the appellate jurisdiction. The House of Lords itself, though it had passed the present Bill, had not been unanimous in its support. Lord Cairns had pointed out that it would be highly impolitic in their Lordships to abolish altogether a second Court of Appeal. Lord Redesdale — no mean authority — had stoutly opposed the Bill throughout. As to the new Court of Appeal created by the Bill itself, it was a great defect, he thought, that several of the Judges who were to be members of the Court of Appeal would have to sit in the High Court of Justice. He (Mr. Charley) mainly objected to the abolition of the appellate jurisdiction of the Lords on constitutional but also on legal grounds. A decision of the House of Lords had an air of authority about it which the decision of an ordinary Judge did not possess; it was severed off sharply from the decisions of the Courts below by a barrier of prestige and traditional respect, and therefore the existence of the appellate jurisdiction of that House tended to give fixity to our law. The ordinary Judges cited it with a respect which they did not show to the decisions of one another. It was said, however, that the abolition of the appellate jurisdiction of the House of Lords was a very pressing law reform; but a Return obtained by his hon. Friend the Member for East Sussex (Mr. G. Gregory), showed that while in 1870-71, there were no fewer than 428 appeals from one Court of Chancery to another, there were, during the same period, only 35 appeals from the Court of Chancery to the House of Lords. That, he thought, furnished a conclusive answer to the argument that the abolition of the appellate jurisdiction of the House of Lords was a very pressing law reform. To begin the work of law reform with the appellate jurisdiction of the House of Lords seemed to him like commencing to build a house at the roof. Again the Bill did not touch Scotch or Irish appeals. A Peer of the realm only would do for Scotland and Ireland, a Commoner was quite good enough for England. The Scotch were proverbially a shrewd people, and not over given to sentimentality, and yet they were susceptible to the traditional influence and

authority of the House of Lords. Sir James Moncrieff had said that the dignity of the final Court of Appeal was the reason why the people of Scotland were reluctant to part with it. Mr. Hope, Lord Justice Clerk said, that if a single person, other than a Peer of the realm, were placed upon the final Court of Appeal, it would lose all its authority in Scotland. The Scotch law differed from the English, the English and Irish law were very similar. Under this Bill the similarity between the English and Irish law would exist no longer; it would, in consequence, introduce confusion where union now existed. They knew how admirably the Judges performed the duty of giving their advice on legal questions in the House of Lords, and it always had great weight; but if this Bill passed, the occupation of the Judges as the constitutional assistants of the House of Lords would be gone, and the new Court of Appeal would have no power whatever to summon them to give advice. But it was on constitutional grounds that he mainly objected to the measure. The balance of power between the two Houses of Parliament was essential to our liberties; but this Bill would rudely shake that balance, which had already been sufficiently disturbed. The leading distinction between the two Houses had always been the enjoyment by the House of Lords of judicial authority which was denied to the House of Commons. The exclusive right of the House of Lords to exercise the judicial powers of the High Court of Parliament was as well ascertained as the exclusive right of the House of Commons to originate money Bills. In the reign of Henry IV. the House of Commons solemnly affirmed that the right of judgments in Parliament appertained to the Lords and not to the Commons; and although, in 1675, the House of Commons denied that the Lords had the right to hear appeals from the Court of Chancery, that right had now for two centuries passed unchallenged. Addressing in 1675, the assembled Peers, the then Earl of Shaftesbury said —

“This matter is no less than your whole judicature; and your judicature is the life and soul of the dignity of the peerage in England; you will quickly grow burthensome, if you grow useless; you have now the greatest and most useful end of Parliaments principally in you, which is not to make new laws, but to redress grievances, and to maintain the old land marks.

*Mr. Charley*

... it is not only your interest, but the interest of the nation, that you maintain your rights."—[*Parliamentary History*, 1675, 793.]

He regretted, he might add, that Lord Westbury had not been able to be present at the debates on the Bill in "another place," because no one could be more competent, from his experience while at the Bar, to speak on the subject of the appellate jurisdiction of the other House. That noble and learned Lord, when giving his evidence before the Select Committee in 1856, said he wished the House of Lords to be the great appellate tribunal for the whole Empire—the one final Court of Appeal, absorbing the jurisdiction of the Judicial Committee of the Privy Council. Three main objections had been raised against the appellate jurisdiction of the House of Lords. It was said that it did not sit for the hearing of appeals during the Recess, and that there was, consequently, great inconvenience to suitors. That was so, no doubt, but then it was an inconvenience which was susceptible of a remedy, proposals had been made by eminent authorities, that the House should sit during the Recess for the hearing of appeals. In 1836 Lord Langdale proposed that the King should have power, on an address from the House of Lords to extend the time for the hearing of appeals, notwithstanding a Prorogation or even a Dissolution. In 1841 Lord St. Leonards carried a Resolution in that House to the same effect. In 1856 the Select Committee of the House of Lords reported that it was desirable that power should be given to the House to resume its sittings during the Recess for the purpose of hearing appeals, notwithstanding the Prorogation of Parliament, and in 1870 Lord Hatherley drew up a Bill under which the Judicial Committee of the House of Lords was to be permitted to sit for the hearing of appeals during the Recess. There was then a general concurrence of authorities in favour of this proposal. Secondly, it was said that there was an absence of judicial form in the manner in which the Lords conducted the hearing. Lord Selborne had himself made suggestions to remedy that objection; he had suggested that the Law Lords, when hearing appeals should sit in their robes, as Peers of the realm, which he said "were quite as good as wigs and gowns." But the most substantial objection was that

the number of the Law Lords was fluctuating and their attendance irregular. In 1856 the present Lord Chancellor and Lord Westbury were quite agreed as to the method that should be adopted for strengthening the legal power of the House of Lords. They thought that a minimum number of three, and a maximum number of five permanent Lords of Appeal should be created to assist the Lord Chancellor and the Law Lords in the exercise of the appellate jurisdiction of the House; such Lords to be selected from ex-Judges and invested with life peerages, and to receive an adequate salary, so as to induce men of eminence to serve in that capacity. It was proposed by the Select Committee of 1856 itself that two Deputy Speakers to the House of Lords should be appointed to sit permanently for the hearing of appeals, to be selected from ex-Judges who had filled some distinguished legal office for five years, and that a salary of £6,000 per annum should be given to each. A Bill founded on those recommendations passed through the House of Lords, and was approved on its second reading by a majority of the House of Commons. On the occasion of the second reading of that Bill, the present Lord Chancellor made a most remarkable speech. The noble Lord said—

"He entertained strong objections against the project for removing the jurisdiction of the House of Lords to the Privy Council, or constituting a new tribunal, consolidating in fact, the two. But then he was tempted to ask, after all, was the traditional respect in which the jurisdiction of the House of Lords was held so utterly baseless that no advantage whatever was to be derived in the administration of justice from the high dignity with which it was associated by being united to one great branch of the Legislature? Did the independence of the judicial system gain nothing by having its root and fountain-head in the House of Lords, where unquestionably it was unassailable by corruption, or by the influence of the Crown, and where it was brought into immediate and close contact with the legislative power, so that the same Judges who administer justice in the House of Lords, might also suggest acts of the Legislature to correct any defects and errors in the law? He confessed he could not divest himself of the notion that the administration of justice did gain something in dignity, independence, and stability, from its association with the House of Lords; and he believed, also, that the opinion, which had so long prevailed, was not unfounded which supposed that the House of Lords gained something of dignity honour, independence, and stability, from its association with the administration of justice."



"If it be possible," he added, "to establish a satisfactory Court of final appeal in the House of Lords, consistently with constitutional principle and the interests of the country, would it not be as well—would it not be better—to do so, rather than to annihilate all the *prestige* of centuries and all the traditional respect which the country had been accustomed to feel for the jurisdiction so exercised, for the sake of attempting some new experiment, the success of which no one could foretell?"—[3 *Hansard*, cxlii. 458-9.]

The present Bill swarmed with provisions, that, after all this grand agglomeration of Courts of Justice had taken place, powers should be exercised and rights enforced just as if the Bill had not passed. One was almost tempted to quote the saying of the witty and hon. Member for Waterford (Mr. Osborne), and say that after all this fuss and confusion it was to be a case of "as you were!" But however inoperative the Bill might be in other respects, it would cause a great change in the position of the House of Lords as an integral part of the Constitution. The House of Lords would cease to exercise the judicial powers of the High Court of Parliament. Parliament would no doubt continue to be as hitherto a deliberative and legislative assembly, but it would cease to be what our ancestors intended it to be—the last resort of the suitor who complained that the law had been misinterpreted by the Judges, who wield the equitable jurisdiction or by the Judges of the land.

MR. BOURKE, in seconding the Amendment, complained that the Bill had received as bare an amount of discussion as had ever been accorded to a Bill, and the high authority by which it had been recommended to the House had not only been sufficient to bear down all opposition, however well founded it might be, but it had had the effect of stifling all discussion. If the object to be obtained was the fusion of Law and Equity, the first step must be the joining together of all the Courts of Law into one great Court of Judicature. He could not help regretting that there was no immediate prospect of the new Law Courts being completed, because that fact would be the greatest obstacle to the carrying out of the measure. The distance between the present Courts of Equity and Law would act as an antagonistic power to the fusion of Law and Equity; and although, in theory, the Bill did abolish the different Courts, yet

when they came to look at the details of it, they would find that it re-established the old Courts. That being so, he very much feared the state of matters would revert to what it was at present. Modern efforts had been made to bring what was good in Courts of Equity into the Common Law Courts, and to transport what was good in the Common Law Courts into the Courts of Equity, and these efforts had been conspicuous failures. The reason had been that the Legislature had not perceived the difficulties which arose in practice, and from endeavouring to give power to the Courts of Law and Equity to administer both systems, when these Courts respectively had power to administer only one. The hon. and learned Gentleman the Attorney General, however, in reference to the subject, had given so correct a definition of the phrase "Fusion of Law and Equity" that it would be impossible hereafter to mistake what was meant by that phrase. He believed there could be no doubt that when the House came to examine the Bill it would be found to be a mere skeleton. If they looked into it they would find it altogether vague in most of the essential provisions with regard to procedure, and the truth was that it left to be decided by Rules hereafter nearly the whole of the procedure with which it dealt. The 20th clause laid down that the jurisdiction was to be exercised in the manner defined in the Act, that was one way; 2nd, by Rules and Orders named in the Act; and 3rd, by Rules and Orders which were to be made from time to time hereafter. The Rules and Orders really related to the most important subjects which procedure could deal with, such as the Courts of Justice and Appeal, and the regulations of the circuits, so that it would be possible for the Judges to make any rules they pleased with regard, for example, to circuits, though these were arranged at present by Act of Parliament. The Judges were also to have power to determine all matters not named in the Schedule. As those matters were of a most important character, he thought the Bill ought to contain specific provisions with regard to them. There was also a clause in the Bill on which he thought a great deal more information ought to be given to the House before they passed it, and that was the clause relating to the appointment of a referee.

*Mr. Charley*

That clause provided that any matter which should require any preliminary investigation, and any matter of accounts that should require a scientific or local inquiry, should be referred to a referee. Now, there were a vast number of cases on every circuit and at every Assize which might be classed under those heads, and there was nothing to be found in the Bill as to the position or qualifications of these referees; they might be barristers, or attorneys, or gentlemen at large. Under those circumstances, he hoped that they would have the fullest possible information with regard to the business qualifications and the remuneration of these referees. The Bill certainly made important changes in the law which required the greatest possible consideration. With regard to the district registries, that was a part of the Bill about which he had great doubt. These district registries looked very convenient things; but when they came to see how they worked they would prove the reverse. The Bill also made important changes in law, especially with regard to the administration of the assets of insolvent estates, and those changes would require the greatest possible consideration. With regard to the abolition of the right of appeal to the House of Lords, it was asked how it happened that the House of Lords seemed to have so easily abandoned a jurisdiction which they had held for many centuries? It was urged that as that House had itself consented to abandon its jurisdiction, it was not for the House of Commons to object. But when they remembered the way in which the case had been put to the House of Lords, it was no wonder they had consented to part with their jurisdiction. The case was put before them as if the House of Lords were endeavouring to retain a jurisdiction prejudicial to the public, and only retained by them to support their own dignity and importance. Under those circumstances, it was not surprising that the House of Lords did not for a moment allow any consideration connected with their order to obstruct a reform recommended to them on high authority. The jurisdiction in cases of appeal was not, however, within the sole control of the House of Lords. It had been conferred upon the House by the Constitution, sanctioned by many Acts of Parliament, and it concerned that House as much as the

House of Lords, nay, even more, carefully to examine whether the appellate jurisdiction which the Upper House had so long exercised on behalf of the people of England could be so advantageously exercised by any other body of men existing or to be constituted hereafter. The opinion of the Lord Chief Justice had been quoted in justification of this proposal. He would yield to none in admiration of the Lord Chief Justice, who, in addition to the high qualifications which he daily exhibited in the administration of justice, had earned the lasting gratitude of his fellow-countrymen in the part he sustained in the Arbitration of Geneva. He (Mr. Bourke) was, however, obliged to dissent from the opinion that the appellate jurisdiction of the House of Lords was a "shadowy authority." He believed it was the most popular Court in the kingdom, and that though the Appellate Court consisted of a limited number of Law Lords, yet the tribunal possessed from its peculiar construction an authority which could not be conferred upon any other Court of Appeal. When authority was cited on one side it was only to be met by citing authority on the other side, and Sir Richard Bethell (now Lord Westbury), told a Committee of the House of Lords in 1856, on the constitution of the Court of Appeal, that he by no means desired that this jurisdiction should be taken away from the House of Lords. Sir Fitzroy Kelly, Sir Roundell Palmer, Mr. Rolt, Mr. Napier, Mr. Inglis, and the right hon. John Hope, the Lord Justice Clerk of Scotland, also expressed opinions in favour of retaining the appellate jurisdiction of the House of Lords, with certain improvements and alterations. The present measure moreover proposed to do away with that jurisdiction as far as English cases were concerned, but to retain it with regard to Irish and Scotch cases. Now, if the House of Lords were as strong a Court as the Scotch and Irish had a right to demand, it was certainly good enough for the English people. If, on the other hand, it were a weak Court, the grossest scandal would be brought on the administration in this country of Scotch and Irish business, and we should be putting an affront on that portion of Her Majesty's subjects which we ought for political reasons least to offend in these days of Home Rule. Indeed, he knew

of nothing more likely to encourage the Home Rulers than by doing away with the appellate jurisdiction to degrade that House in the opinion of this country. Again, he knew of nothing more likely to weaken the legislative authority of the Second Chamber than to take out of it all judicial power, and the authority of all those who had devoted their lives to the study of the law, for he thought it unlikely that any Law Lord would be appointed except the Lord Chancellor. Further, he objected to the proposed scheme, because it broke up the Judicial Committee of the Privy Council, inasmuch as the salaried Judges of the Judicial Committee would be taken away and put into the new Appeal Court. The Judicial Committee, as at present constituted, thoroughly possessed the confidence of the suitors, and the House should be very careful not to transfer the jurisdiction from a Court which they approved to one which they knew nothing about. The great bulk of the business transacted by the Privy Council came to it from India and the Colonies. Moreover, it was substantially *sui generis*, and different from that which would come before an Appeal Court. Now, as the Privy Council was regarded with respect and confidence by our various colonists, he thought it highly inexpedient, impolitic, and dangerous to transfer its jurisdiction to another tribunal, the bulk of whose business would be totally different from that which occupied its attention. Another objection to the new Court of Appeal was that many of the Judges were connected with a Court of First Instance, and this was a condition which had been condemned over and over again by competent authorities, including Lord Campbell and Lord Westbury. In conclusion, he hoped the House would seriously consider the operation of the Bill before they consented to give it a second reading, because he was sure the result of such consideration would be that they would entertain favourably the proposition of the hon. Member for East Sussex (Mr. Gregory) to refer it to a Select Committee, which was the only practical way of dealing with the subject.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to abolish the jurisdiction of

*Mr. Bourke*

the House of Lords as an English Court of Final Appeal,"—(Mr. Charley,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. OSBORNE MORGAN contended that the hon. and learned Member for Salford (Mr. Charley), and those who opposed the Bill on the ground that the appellate jurisdiction of the House of Lords was an integral part of the Constitution were bound to go further and to insist not only that it was not competent to abolish it, but that it was not competent to remodel it. It was a strange thing that the constitutional objection had not occurred to the noble and learned Lords who voted for the Bill, and it was a conclusive answer to that objection that the Bill had come from the other House. In the case of the hon. and learned Member, who he suspected had not had much experience of the House of Lords as a Court of Appeal, it must have been that "distance lent enchantment to the view." The Court consisted entirely of volunteers; there was no obligation on any noble and learned Lord, except the Lord Chancellor, to attend; and many of the appeals were from judgments of the Lord Chancellor, so that it was questionable whether he ought to sit in such appeals. The Court was available only four months of the year; and many of the Law Lords had attained to such an age in the public service that we had no right to expect much more work out of them. When Solicitor General, Lord Westbury described the tribunal as one, the members of which, except the Lord Chancellor, felt at liberty to attend or not, as they pleased, and the judicial sittings of which they attended as they did a debate, so that its decisions, instead of being, as they ought to be, as unchangeable as the laws of the Medes and Persians, were unsatisfactory in character, and the Court was inferior to the lowest tribunals in what ought to be the accompaniments of a Court of Justice. Another objection to this tribunal was that men were raised to it on principles different from those on which they were raised to the Judicial Bench. The House of Lords was primarily a political body. He did not mean to insinuate

for a moment that the noble and learned Lords were actuated in their judgments by political considerations; still no one could deny that the road to the House of Lords lay through a political gate. Besides, the House of Lords was an hereditary body; and a large family or a limited private means therefore frequently proved an insuperable bar to entering it. In this way many of the most distinguished Judges on the Bench were excluded from the House by personal or political considerations; and as a matter of fact, of 18 Common Law Judges and six Equity Judges, not one was in the House of Lords. In fact, the only Judge at present in the Upper House was the Lord Chancellor himself. However, the re-constitution of the appellate jurisdiction was not the main feature of this Bill. The main object of the Bill was that it should effect a fusion of Law and Equity; and if it did that it would be worth all the judicial reforms ever introduced into this country put together. But the question was, did it effect that fusion? From the 17th century to the present day they had had to witness the monstrous spectacle of Law in Westminster and Equity in Lincoln's-Inn, in a chronic state of opposition; or to use Lord Westbury's words, "we set up two Courts, one Court to do an injustice and the other to redress it when done." But while as anxious as the hon. and learned Gentleman the Attorney General to promote the main object of the Bill, he believed that object was only to be attained in one way—namely, by attaching at least one Equity Judge to each of the Common Law Divisions of the High Court of Justice, and, to elicit a discussion, on the subject, had put an Amendment on the Paper. He felt inclined to withdraw it on hearing the speech of the hon. and learned Gentleman, than which nothing could be more charming; but the speech was one thing and the Bill another, and he preferred to have the assurances given in the speech embodied in the Bill, for neither the hon. and learned Gentleman nor the Government was immortal. He was sorry there was a disposition on the part of the public to regard this as a lawyer's and not as a suitor's question because the public had a great stake in it. The mode in which suitors were now driven from pillar to

post—from Law to Equity, or from Equity to Law—was perfectly monstrous, and all lawyers were agreed as to the necessity of abolishing the existing line of demarcation between the two jurisdictions. There was a certain confusion in the minds of those who discussed the questions of Law and Equity. It should be borne in mind that there were two distinctions between Courts of Law and Equity—the one substantial and the other accidental; a difference of principle and a difference of process. The Courts of Law not only administered different kinds of justice, but they administered it in different modes, and it was necessary to keep both distinctions in view. It would be impossible effectually to fuse Law and Equity until all the Courts were provided with the same machinery. The attempts that had been already made in that direction had failed for this reason. Now, this Bill, though it gave equitable jurisdiction to Common Law Courts, provided them with no equitable machinery. It provided that where the rules of Equity and Law conflicted the rules of Equity should prevail; but it did little more. The Act providing for trial by jury in the Chancery Court had become almost a dead letter, scarcely more than half-a-dozen such cases had been tried, and the Vice Chancellor's Court had at length been relieved from the incubrance of a jury box. Another Act giving to the Courts of Common Law jurisdiction in cases of Equity, had become absolutely a dead letter, the reason in each case being that the Judges in each case felt unequal to the novel task imposed on them. The hon. and learned Gentleman, having referred to the letters addressed to the Lord Chancellor by the whole of the Outer Equity Bar, and by the Inner Equity Bar with one distinguished exception—the Solicitor General, who was not, however, a free agent—proceeded to say, that the Bill proposed to effect that fusion of Law and Equity which was so much to be desired, by providing that Law and Equity should be concurrently administered. But the sections which dealt with the subject, standing alone, really did nothing; they effected nothing but a paper fusion, faultless no doubt in theory, but utterly unworkable in practice. He looked at the subsequent sections of the Bill, and the first thing he

saw was that the old Courts were to be perpetuated under different names. The Vice Chancellors were to be called Her Majesty's Judges; but they were to sit by themselves in a Division which was to be called the First or Chancery Division. All the Judges of the Common Law Courts were to sit by themselves. The Court of Queen's Bench was to become the Division of Queen's Bench of the High Court of Justice. The Court of Exchequer was to become the Exchequer Division, and the Court of Common Pleas the Common Pleas Division of the High Court of Justice. The Common Law Judges admitted, and the hon. and learned Gentleman the Attorney General himself also admitted, that they would sit to administer a kind of justice to which they had not been trained. They would sit by themselves, and would not be able to deal with the various equitable questions which would constantly arise. The 31st section, indeed, said that it should be lawful to transfer a Judge from one Division to another, with this proviso, however, that no existing Judge should be transferred unless with his own consent. That being so, it would be impossible to work the Act as it stood unless they could find Chancery Judges willing to be transferred to Common Law Courts. But the arrears in Chancery already had become so great that the Judges, though working night and day, could not keep them down. He held in his hand an extract from the judicial statistics of the years 1860-1 and 1870-1 published last year by Order of the House, and he found that the proceedings in Chambers had risen from 28,083 in 1861, to 42,726 in 1870-71, showing an increase of 14,643 in 10 years, and that the total number of proceedings of all kinds in Equity had risen from 69,008 in 1861 to 84,730 in 1870, showing an increase of 15,722. It would be a long time, therefore, before the Judges in Chancery could find leisure to assist the Common Law Judges even if they were willing to do so. Under the Bill, moreover, they might have an Appeal Court composed exclusively of three Common Law Judges reversing the decision of the whole Chancery Division put together. But then it was said, there would always be a strong Bar to keep the Judges right—that was, incompetent Judges were to be set right by competent

Counsel. For his own part he held it to be a first principle that the Bench should be stronger than the Bar. He might be asked what remedy he would propose. It always seemed to him that the true method of fusion would be to make every Court competent to deal with every case which could come before it. The scheme, however, would involve a complete remodelling of the Bill, for which he was not prepared. Perhaps the best course would be to transfer to each Common Law Division one of the present Equity Judges; but that could not be done without the sanction of the Equity Judges themselves. The alternative was the creation of new Judges; and to that the only real objection was a financial one. The Government had actually thrown away £300,000 by allowing the space purchased for the Law Courts nine years ago to remain vacant all that time, and yet they grudged the small sum necessary for the creation of a sufficient number of Judges to administer Equity properly, and that only for a limited time. If ever there was a case of "spoiling the ship for a ha'penny's worth of tar" it was the present. What with concessions to sentiment and concessions to economy, they were throwing away one of the grandest opportunities of reconstructing the whole of our judicial system. They felt themselves bound to build up their edifice with the old materials; let them take care they did not build it up on the old lines. If the Bill was left as it now stood the result would be that the Courts of Equity would be Courts of Equity still in everything but the name; the Courts of Law would be Courts of Law still in everything but name, with this distinction, that the old remedy by injunction—awkward, clumsy, and unsatisfactory, no doubt but which yet in the end secured justice—would be done away, so that their last state would be worse than the first, and this boasted fusion of Law and Equity which was to inaugurate a new era in the history of our jurisprudence would turn out to be a mere hocus-pocus transformation scene effected by a vague section in an Act of Parliament.

MR. GREGORY, who had on the Notice Paper a Motion for referring the Bill to a Select Committee, in the event of its being read a second time, said, he concurred in the main principles of the measure, and was anxious that it should

*Mr. Osborne Morgan*

receive the assent of Parliament; but, at the same time, he wished its objects properly carried out, and particularly that the Bill should contain nothing to militate against them. He looked at the Bill under three aspects—first, as establishing a great tribunal of First Instance; secondly, as establishing a Court of Appeal for that tribunal; and, thirdly, as laying down a code of procedure. With respect to the constitution of the Higher Court, he regretted that the author of the Bill had not taken somewhat higher ground in constituting that Court, and that he had not broken up the Court into more Divisions, allotting a smaller number of Judges to each, and mixing Equity and Common Law Judges together. It had been said that each of the Courts would have the power of administering the principles of Law and Equity; but a distinction was drawn between the business assigned to these Courts, and there would be three Divisions of the Court of First Instance sitting almost entirely distinct from the other, and without any communication between them. With respect to the procedure of these Courts, he thought some explanation was required of the Law Officers of the Crown. A Common Law Judge sitting at *Nisi Prius* was in the habit of postponing, to a certain extent, his decisions on questions of law and referring them to the decision of the full Court, and thus practically rendering two trials necessary; while the Equity Judges had been accustomed, single-handed to determine satisfactorily questions both of law and fact as they arose. Now, he saw nothing in the Bill to alter the former practice, while it contained a provision calculated to extend it to the Court of Chancery, which had hitherto performed its functions in a satisfactory manner, for the Bill gave an invitation to the Judges to call for the assistance of a Divisional Court in the decision of cases, instead of relying on their own judgment. The effect would be to perpetuate a practice which now prevailed at law and to extend it to the Court of Chancery. That was a part of the Bill which would require much consideration. Another matter which, he hoped, would not be hastily adopted, was the power given by the Bill to the Judges to refer cases to referees without the assent of the parties. The terms of reference were of the widest character, and would apply to some of

the heaviest and most important cases which were now decided by the Courts of Law. They were not told who the referees were to be, how they were to be paid, or whether the appointment was to be temporary or permanent. These were matters as to which the House ought to have further information. It was a very large power, and in many cases it would materially increase the expenses of the suitors; and beyond that, there was no more general complaint at present in the Courts of Common Law than the sending of cases to reference. It was often a very great hardship to parties, as after they had gone to all the expense of preparing for trial they found themselves compelled to incur all the expense over again. No doubt much of the business of the Court of Chancery was conducted in Chambers, and with regard to these proceedings it appeared that during the last year no less than 75,000 appointments were made; but without meaning to cast any imputation upon the officials who sat there, and who performed their duties in an admirable manner, he must say that it was the feeling of the profession that the Judges should exercise more superintendence over the business at Chambers than they did at present. This was a totally different matter, however, from the references now proposed, as under the Bill as it stood, the Courts were to have power to refer cases to the functionaries to be appointed, and whether temporarily or permanently did not appear, upon what terms they thought fit, with or without the consent of the parties. [THE ATTORNEY GENERAL: Such a power exists at present.] No doubt, that was so; but only in matters of account, and the reference was to officers of the Court. If the parties were aggrieved by the decision of the Masters of the Court or the clerks of the Judges, there was an instant resort to the Judges themselves for a revision of the order. One other provision of the Bill was of such importance that it ought not to be passed over without notice—namely, that which would enact that where two vessels were in collision and each was found to be in fault, the Common Law rule, and not the rule of the Court of Admiralty, should prevail. The Common Law rule was, that no damages could be recovered by either vessel in such a case; whereas, in the

Court of Admiralty, when two vessels were in collision, and both were found to be in fault, the damages were divided, the owners of one ship paying to the owners of the other one-half the amount of the damages sustained. The rule of the Admiralty Court was the common law of Europe, and was also the rule of the Admiralty Court of America; but that would be set aside by the Bill, and that was a matter which deserved the serious consideration of all persons connected with the shipping interest, for the effect of the alteration would be to tempt the stronger ship to run any risk of avoiding injury to itself, even to the extent of sending the weaker vessel to the bottom. He now came to the Court of Appeal. He should be glad if the jurisdiction of the House of Lords as the highest Court of Appeal could be preserved; but inasmuch as the House of Lords themselves had given that point up, he did not see how it could be maintained. And even if that jurisdiction were to be maintained, great alterations would be required in the tribunal itself. It was necessary for the formation of an efficient Court of Appeal not only that it should consist of a number of the most eminent Judges, but that those Judges should be always available. He had some doubts, however, as to the operation of the Court of Appeal which the Bill would provide. The tendency of the *ex officio* Judges would be, he was afraid, not to sit upon it. Now, a final Court of Appeal had not only to decide the cases which came before it, but to lay down great principles, and establish landmarks, and he was of opinion that there should be one such great Court, to which everybody might ultimately resort. It might be contended that it would be overwhelmed by business; but that would not be so if there were an intermediate Court of Appeal, and he did not think that a final Court of Appeal should have the power of subdividing itself. A short time ago he had moved for a Return of the appeals which had gone to the House of Lords, and out of 425 appeals to the Lord Justices and Lord Chancellor only 35 went ultimately to the House of Lords, showing that a very small number of cases would go to the ultimate tribunal if there was an intermediate Court of Appeal. If provision could be made for the establishment of such an intermediate

Court of Appeal—though, as the Bill was drawn, that would be a matter of some difficulty—it should be introduced before proceeding further with the measure. Again, the objection might be urged that a system of that kind was likely to result in great hardship, by leading people to prolong their resistance; but from his experience in the matter of appeals, he could say that it was not the wealthy who had good professional advice, and who had a reputation to lose, who carried their cases to the ultimate Court without sufficient cause, but rather those desperate litigants who had nothing to lose. Coming next to the proposed code of procedure, he thought it would require very considerable attention before it was passed. He could not help thinking that the trace of the Common Law hand was too plainly written in the Schedule of procedure, because the tendency was to substitute that which prevailed in the Common Law Courts for that which prevailed in the Court of Chancery. The Chancery procedure gave great satisfaction to suitors and practitioners, the statements being eminently precise and clear; and he could not understand whether the pleadings in the new Court were to be such as were required in Common Law, or such as were required in the Court of Chancery. Nothing could be more unsatisfactory than the pleadings in the Courts of Common Law, and it would be a most unfortunate thing if this Bill were to extend them to the Court of Chancery. He next came to the question of referring the Bill to a Select Committee, and in advocating that course he could assure the House he was not at all anxious to delay its passing. He maintained that it was not a Bill for a Committee of the Whole House, but for a Select Committee. Many Amendments would no doubt appear on the Paper, but others might be proposed without notice or due consideration; and if they were adopted hastily great injury would be done to the promoters of the Bill, and an irreparable injury might be inflicted upon the suitors. A Committee upstairs, on the other hand, might have the assistance of the Government draftsman, in carrying out its views and in framing the Amendments required to carry out their views, and the Amendments could be submitted for the revision and consideration of the Lord Chancellor himself.

MR. JAMES said, that those who had to frame and introduce a measure of legal reform had sometimes to contend with the personal jealousy of Law Reformers, and sometimes with members of the legal profession, who might think that their interests would be affected by any change in the existing system; but the public, which often wanted Law Reform, seldom demanded it, and it was the duty of the House to see what the public would require, if they had the knowledge and the means of expressing an opinion. The first ground of complaint which the Bill was designed to remedy was the uncertainty of the law. The next was the delay which existed in obtaining justice from the tribunals. The third, which resulted from the joint operation of the former, was the expense to which the suitor was subjected. The present Bill did little to cure the first of these evils, and, with the exception of the legislation contained in the 22nd clause, the countless precedents with which the law abounded would remain, until the day arrived when they might hope to see the work of codification accomplished. With regard, however, to the second and third causes of complaint, the Bill went straight to the principal sources of delay and expense, and provided a remedy. In deciding whether the Bill ought not to be read a second time, let the House see what it proposed to do. It proposed that they should diminish the number of appellate tribunals, and that, instead of having two bad appellate Courts, they should unite the strength of both to make a good one. With regard to the retention of its appellate jurisdiction the House of Lords had judged itself. With men in that House who were naturally prone to defend its privileges and ancient traditions, the House of Lords had decided, almost without any difference of opinion, that the time had come when it had ceased adequately to discharge the duty of an appellate tribunal in the last resort. Nor was it surprising that such should be the case, when they considered how the tribunal was constituted during the hearing of appeals. When English appeals from the Common Law Judges came before it, the Law Lords had the assistance of only one English Peer, who had practised at Common Law, yet who had never himself been a Common Law Judge. The consequence was, that

the Peers had to summon to their assistance the very Judges from whom the appeal was brought. These Judges had already expressed their opinions, and counsel calculated how they would decide, just as the hon. Member for Shaftesbury (Mr. Glyn) reckoned up the numbers on each side when a Select Committee was appointed. The present Bill, however, declared that every Judge who sat in an appellate tribunal should be free from bias of this kind. At present it rested with the Members of the appellate tribunal in the House of Lords to attend or not at their pleasure or convenience. One Peer might wish to spend the winter abroad, and another might prefer yachting to sitting on appeals in the House of Lords. The Bill had, therefore, passed without much discussion on the part of those who did not wish to retain their present power. The Bill was formed so as to secure a saving in point of time to suitors. There would not be three steps, but two, to be taken before arriving at a decision. One of the causes of delay and expense was the want of judicial strength. It would be found, however, that, by economizing the existing strength, the object could be obtained without adding to the number of the Judicial Bench. There could be no doubt that the delay was caused by the want of judicial power. A merchant in the City of London might have a cause which in a month would be ready for trial. The probability was that 12 months would elapse before it was reached, another year before the appeal to the Exchequer Chamber could be disposed of, and one, two, or three years before a decision could be obtained in the House of Lords. An interval of four or five years might thus elapse before a cause was determined in the Final Court of Appeal. Contrast this delay with the proceedings in the Admiralty Court. A collision between two vessels occurred either in the river or the Channel on the 19th of February last. There was an appeal to the Judicial Committee of the Privy Council, and before the end of April—namely, in less than three months—the cause had been heard and finally determined. The contrast was owing to the fact that the cause had to go before one appellate Court instead of two, that there was sufficient judicial strength in both Courts, and that the Judges were not overworked. The



object of the Bill was to economize the judicial power, so that the suitor could at once proceed to obtain a decision. One objection might be made—that this would involve extra judicial power. Inasmuch, however, as “thrift was great revenue,” so an economy of judicial power really meant an increase of judicial strength. Therefore, while he gave his hearty support to the Bill, he thought that by a stroke of the pen they could add to the judicial power by a better economy of it. The 15 Common Law Judges were now divided into three sections—the Queen’s Bench, the Common Pleas, and the Exchequer—the existence of which Courts was an anomaly except in their very origin. Instead of putting these 15 Judges into one Court, the Bill proposed to maintain the three Divisions, and a loss of judicial power would be the result. At present a motion for a new trial was argued, and being unfinished it was put off to allow of the intervention of other business; and in that way delay and expense were unnecessarily caused. The maintenance of the existing three Courts was a concession to sentiment only, so as to preserve the dignity of the Chief Justices and the Chief Baron—an object which he should be perfectly ready to attain in some other way; but still in re-arranging the Temple of Justice he thought some regard ought to be paid to the convenience and interests of the worshippers as well as of the priests. If the divisions between these Courts were done away with, they could have one Court sitting for new trials, another for the Crown Paper, and so on, so that there would be no break in the hearing of individual cases. In that way, he believed that without having additional Judges, they would obtain an increase by one-third of their judicial strength. The Bill had also, in his opinion, a tendency to go a little too far in the way of abolishing trial by jury, for under the 30th rule in the Schedule it depended solely on the will of the Judge whether he would remit a case to a jury or try it himself. Of course, that was only a point of detail; but he hoped it would hereafter receive the careful consideration it deserved. Although, at first, he had thought the better course would be to refer this measure to a Select Committee, he had since altered that opinion. At that time of the year some legal

Members of the House would, perhaps, be unwilling to give up their time and relinquish professional engagements in order to sit on the Committee; and even if they did, the Bill would be sent back to the House at a period when every Member of the Common Law Bar would be absent on circuit. Under the circumstances, therefore, he thought the House ought now to make an attempt to carry the measure in its entirety, subject to alterations in Committee. Without regarding the Bill as a complete one, he accepted it, because it went in the right direction. Any omissions in the Bill might be to a great extent supplied by the rules and regulations to be framed by the Judges, who would be subject to the vigilant criticism of the profession, the Press, and the public; moreover, these rules would not come into effect until they had been sanctioned by Parliament. He should support the Bill, not because it entirely remedied the defects in our judicial system, but because it marked out a path that would lead us eventually to the fountain of justice, which, when the impurities were removed from it, would allow the pure stream of justice to flow for the benefit of all classes in the community.

Mr. MATTHEWS said, the fact of the debate having been carried on in a very thin House was not encouraging to the friends of Law Reform, for though the Bill was one which vitally affected the interest of every subject of the Queen who had to go into a Court of Law, the debate upon it had been addressed to only 12 or 20 hon. Members. They were, however, all agreed that the Bill should be read a second time, and the only question was, what Amendments should be introduced into it, and whether its provisions should be referred to the consideration of a Select Committee. His own impression was, that such a measure could be much better discussed and amended in a Select Committee of lawyers, than in a mixed Assembly like the House itself, for it wanted that minute and acute criticism which members of the legal profession alone could give, and which, however eminent the noble and learned Lords (the Lord Chancellor and Lord Cairns) might be, neither of them unaided could possibly supply. In point of fact, the Bill ought to be submitted to the criticism of the whole profession, both barristers and

solicitors, for months before it came to be finally dealt with by Parliament. From such examination as he had been able to give to the Bill, he could not gather that any essential change was made in the Court of Chancery. The principles and jurisdiction of that Court appeared to be left untouched. Why, in the world, then, did the Bill deal with the Court of Chancery at all? What he feared it would do, would be to make Courts of Common Law bad Courts of Equity. No doubt, if you were to have the principles of Law and Equity concurrently and jointly administered by all our Courts, as everybody desired, there must for a time be bad Courts of Equity. He was prepared to face that danger; but could not the object desired be attained by striking the Court of Chancery out of the Bill? It would then have been a less ambitious, but a more prudent and a safer measure. The advantage of throwing all the Courts into one crucible might be to obtain an easy interchange of judicial force. But you might secure that advantage equally by a single clause in the Bill, providing where necessary for the presence of an Equity Judge as Assessor. There was one great disadvantage in the arrangement proposed—that the whole body of Judges would be placed in one Court under the presidency of a Member of the Executive Government and a Minister, the Lord Chancellor for the time being, instead of under the Lord Chief Justice. He had not attempted to follow out the consequences of that step, but feared it might seriously compromise the independence of our Judges. As to the proposed abolition of the appellate jurisdiction of the House of Lords, he had never heard a great constitutional change proposed with such extraordinary levity. No responsible Commission or Committee had recommended the abolition of those functions, and in his opinion it was unwise to commit the whole appellate jurisdiction of the country to a new tribunal of the working of which we had no experience, doing away with an old landmark of the Constitution. No doubt, theoretical objections might be made to the appellate jurisdiction of the other House, and some practical objections on the score of delay and expense might also be urged; but some of these objections might be removed by a Standing Order. Not only had there been

no recommendation that the appellate jurisdiction of the House of Lords should be abolished, but the very last Committee which sat on the subject in 1872 had reported that the present state of its appellate business was satisfactory. Scotch Law Officers from both sides gave evidence before that very Committee, that in Scotland the suitors were perfectly satisfied with the justice administered by the House of Lords, and preferred that appeal to any other, while similar testimony came from Ireland. Any attempt, therefore, to send appeals from Ireland to a Court in Westminster Hall would, he thought, supply fresh fuel to the Home Rule agitation. Were they going to have three different and equally irresponsible Courts of Ultimate Appeal in the United Kingdom—the House of Lords laying down one law for Scotland and Ireland; the new Court laying down a second law for England; and the Privy Council, in ecclesiastical causes, laying down a third law? Besides, the constitution of the new Final Court of Appeal, as contained in the Bill, was otherwise mischievous. It constituted a Court of Final Appeal from the *ex officio* Judges, ordinary Judges, and additional Judges, and as the *ex officio* Judges would receive no additional pay for the extra work thrown upon them, it would follow that they would be driven away by the paid Judges, for the Bill did not compel their attendance. In that Court of Appeal, they were putting *ex officio* unpaid Members alongside paid Members. [The SOLICITOR GENERAL: The *ex officio* Judges are to be paid.] Where, in the Bill, was it stated that the Lord Chief Justice of England was to be paid extra for attending the Court of Appeal? [The SOLICITOR GENERAL: Not extra.] But the work was extra. The Lord Chief Justice presiding over his own Court at a certain salary would still be continued at the head of his own Court or Division at that salary, and he might if he liked—there were no compulsory words—and when he had leisure, attend the Court of Appeal. Therefore, he was an unpaid Judge as far as related to the Court of Appeal. The Solicitor General, therefore, did not appear to have devoted any special attention to the provisions of the Bill. Those who had been, as he thought, disparagingly described by the hon. Member for Denbighshire, as in-

mates of the Greenwich Hospital of the law, were the additional Members; and they were also to go without salaries. For his part, he had always thought the House of Lords, in the persons of Lord Selborne, Lord Hatherley, Lord Cairnes, and Lord Westbury, had not represented the invalids of the profession; but rather the most eminent members of it. But such as they were, these "invalids" were put into the Court of Appeal. Now, it was proposed that any three might form a quorum. The inevitable effect of that would be that they would have three distinct Courts of Appeal, an Equity Court of Appeal, a Common Law Court of Appeal, and a Colonial Court of Appeal. They would not get an united Court of Appeal, but three co-ordinate systems of law would ultimately be decided in the last resort each by a Court of three. The hon. and learned Gentleman the Attorney General had made merry over the House of Lords, where there happened to be only one Common Law Lord; but that might be easily remedied by the Prime Minister removing that hon. and learned Gentleman from those (the Ministerial) benches to a position where he could render even greater services to the country than he did now. Let the ready critics tell them, if they could, into what quagmire the House of Lords, with its so-called "Greenwich Hospital Judges," had carried the law, and point out where it had led the law astray. The House of Lords appeared to him to bring to the decision of those questions just what was wanted to correct the technicalities of the law; a statesmanlike wisdom and the larger-mindedness of men of the world. Then they had been able to lead the law into a direction in which it was beneficial and desirable it should go, and before they cut away its judicial power, they should see their way clearly to establish a more satisfactory tribunal. The proposed system of official referees he looked upon with the greatest dread and dislike. That system came in effect to this—that they were creating a subordinate order of Judges, to be paid by salary, to be part of the patronage of the Lord Chancellor—a matter of grave consideration—whose number and qualifications were left absolutely open by the Bill, against whose decision there was to be no appeal, who were to be judges of both law and fact, to whom there was hardly any case

which might not be referred by a Judge, whether from indolence or some of the many other motives that actuated even serene judicial minds; and who were to have power to sit in town or country; so that an official referee might take a journey in the hot weather to Brighton; whether the witnesses would have to follow him. They took no security except appointment by the Lord Chancellor that they would be fit for the discharge of their functions. Thus, too, by a side wind they were sweeping away the whole system of arbitrations by order at *Nisi Prius*, and substituting that fresh class of officials at great cost to the country—an arrangement which, he believed, would not be satisfactory to the public. The Bill would also give the control of all the interlocutory steps up to notice of trial to 50 or 60 district registrars, some of whom were not lawyers. That was as bad a scheme as could be devised, for it was localizing that which was best done in London by agents who conducted the business in the cheapest and promptest way, and the remission of nice questions of law to the registrars would lead to diversity of judgment and failure of justice. From them, moreover, as far as he could understand the sketchy drawing of the Bill—for it was a skeleton with clothes on—there would be no appeal. He was sure the Lord Chancellor, though he had drawn the Bill, had not drawn the Schedule, for it made the most momentous changes in a flighty way without saying what statutes it repealed. It laid down, for instance, that costs should in all cases be in the discretion of the Court—a bungling way of setting aside a dozen statutes which deprived the Court of discretion over costs; and awarded or withheld costs according to the issue of the case, and the amount of the verdict—and that all existing rules as to pleading should be superseded by the not very intelligible ones contained in the Bill. On another point, moreover, as to the question of costs, which, though an unromantic one, was of vital interest to suitors, the clauses and the Schedule were in actual conflict, for the former provided that a section of the County Courts Act of 1867 as to costs in certain cases should apply to all proceedings, whereas the latter laid down the absolute rule he had mentioned. It was impossible for the House at that time to

give the Bill the careful revision it required. One course would be to take the Bill on the responsibility of Lord Selborne and Lord Cairns, but unless the House were thus to abdicate its functions, the best plan would be to let the Bill lie fallow for the winter, so that the opinions of the profession might be collected. The solicitors, for instance, might throw more light on the measure than a Chancellor, ex-Chancellor, or Greenwich pensioner could do, and if that course were adopted, they might, next Session, be in a position to pass a Bill which would do credit to the House and be of advantage to the country. . . .

THE SOLICITOR GENERAL said, he would not take the trouble to contradict the assertion of the hon. and learned Gentleman the Member for Dungarvan (Mr. Matthews)—who always showed such confidence in addressing either the House or the Courts—that he had not made himself acquainted with the provisions of the Bill. He must, however, correct the hon. and learned Gentleman's statement that the Judicature Commission recommended the continuance of the House of Lords as an appellate tribunal. [Mr. MATTHEWS: *Pro tempore*.] The reason why the Commission did not recommend the abolition of the House of Lords [*Laughter*]—he meant its abolition as a judicial tribunal, for the subject under discussion was limited to this—was that they regarded the question as beyond the scope of their reference, and they therefore simply mentioned that the efficiency of the Court of Chancery was impaired by the withdrawal therefrom of the Lord Chancellor, for appeals in the House of Lords. They were told that, if they withdrew from the House of Lords the judicial appeals they would injure its dignity and standing. Was the House of Lords so weak that it could not stand as a Legislative Assembly, if they did not allow three respectable retired Lord Chancellors to adjudicate on appeals? Was not the House of Lords the best judge of its own dignity, and had it not sent down the Bill to that House? Were his hon. and learned Friends opposite the conservators and protectors of the dignity of the House of Lords? Then it was said that the House of Lords was wonderfully efficient as a Court of Appeal. It was true that some persons whose opinions were entitled to considerable

weight had said so in 1856, but that was a very long time ago. We had grown wiser since then, and some of those who had held that opinion then had come to look at the matter in a different light now. Since that time we had discovered that the main object of a legal tribunal was to do justice, not by fits and starts, and by means of Judges who were continually changing, but by Judges sitting regularly, who were paid for their services by the State, and who would attend the whole year round with the exception of during the needful vacations. At the present moment, we had no absolute claim upon the attendance of any Law Lord, except the Lord Chancellor. It had happened of late years that there had been a fair attendance of Law Lords; but within the present century no Law Lords whatever had attended, and appeals had been heard and decided by three lay Lords, assisted by a subordinate Judge, acting in the capacity of Assessor, while for a considerable time only one Law Lord had attended on such occasions. Although, for the present, such a state of things no longer existed, it might recur to-morrow. Most of our present Law Lords were very aged men—one was over 80 years of age, and two were in their 80th year. It was impossible to calculate upon the continued attendance of octogenarians. They had done good service to their country, but there was no reason for our counting upon their continued attendance; and when these Law Lords were cleared away—when these aged individuals retired, what guarantee had we that fresh Judges would take their place, and that there would be more than one or two Law Lords to assist the Lord Chancellor. People talked of the House of Lords as if it were a permanent legal tribunal; but the fact was, that it was not a law tribunal at all, and it was a mere accident that it had a sufficient number of Pears competent to act as Judges in it at the present moment. It was also quite possible that some of the Law Lords might receive offers from Insurance Companies in course of liquidation to act as private arbitrators, and that they might think it consistent with their dignity to accept the office and not to attend any more as Judges in the High Court of Appeal. Such things had occurred and might occur again, and then what would become of the

House of Lords as the highest Court of Appeal in the country? In his opinion, that was not the proper appellate tribunal for a great country like this. The question before the House, then, was how were they to create a good fixed appeal tribunal in place of the chance tribunal that at present existed? If the Bill did no more than create such a tribunal the country ought to be grateful to Parliament for passing it into law, and it would prove to be a very large measure of reform indeed. The Bill proposed to establish such a tribunal and to get rid of the Court of intermediate appeal. Moreover, the strongest proof of the desirability, necessity, and utility of the abolition of the House of Lords as a Court of Appeal consisted in the simple fact, that every lawyer in that House had assented to that provision in the Bill; and that the only noble Lord who opposed it, though he inherited a legal name, whatever his other titles to distinction, was not distinguished by legal eminence. In reference to the portion of the Bill which dealt with the fusion of Law and Equity, it provided that wherever the mode in which justice was administered substantially differed as between the Courts of Law and the Courts of Equity, the principles which governed the Courts of Equity should prevail. The hon. and learned Member opposite (Mr. Matthews) had pointed to the 63rd section of the Bill relating to the County Courts as being inconsistent with the provisions in the schedule as to costs, and as an instance of bungling legislation; but if he had carefully studied the details of the measure, he would have found that the provisions in the 63rd section relating to those Courts were not inconsistent, but according to the general rules of interpretation would be read as exceptions to the general provision as to costs in the schedule. The next thing to which his hon. and learned Friend referred was the official referees. He was entirely mistaken on the subject. He said there was no appeal against their report. If he had referred to the Bill he would have found that the referee was to report to the Judge, who would thereupon make any order he might think fit, and that until the Court adopted the report the report was nothing. The present Bill required that matters requiring special knowledge should be specially referred;

accounts; for instance, to accountants; matters of science to scientific men, so that the Judge might obtain the assistance of the referees; and the Court could then adopt the report or any part of it. Another objection was, that it would create a judicial tribunal to be presided over by the Lord Chancellor, who was a Cabinet Minister; but the Lord Chancellor presided over a judicial tribunal already, and no objection had ever been made to his doing so on account of his holding a Cabinet office. They were also told that the Court of Chancery was not in the Bill at all, and that all the Bill did, was to make the Common Law Courts bad Chancery Courts. Did the hon. and learned Gentleman know that appeals to the Lord Chancellor were taken away by this Bill? Besides, the Bill made important alterations in the whole course of legal proceedings. A certain portion of the substantive law was altered by the Bill, and, amongst others, the case referred to by the hon. Member for King's Lynn (Mr. Bourke)—namely, the case of insolvent estates. As to that matter, it was thought, after the best consideration, that the Rules which were acted upon in the Court of Bankruptcy with reference to the administration of insolvents' estates should be acted upon in the Court of Chancery. With regard to the district registrars, it had been found by experience gained in Lancashire, that a very large quantity of work might be done cheaply and quickly on the spot in the country by persons who understood the subject, instead of having it inquired into in London at great expense and with great delay. Many of the points that had been mentioned could be better discussed in Committee, and as to the expediency of referring the Bill to a Select Committee, he doubted whether anything would be gained by such a course. His own opinion was that if it were so referred, the minority would not acquiesce in the opinion of the majority, and would fight over again in a Committee of the Whole House, all the points on which they had been at issue. Beyond that, every lawyer who had not been put on the Committee would feel himself almost personally insulted, and would feel it to be his duty to give Notice of a great number of Amendments, and to make a great number of speeches on the Bill, and in that way the Bill would be thrown over for the Session. It was also

doubtful whether the Report of the Committee would come down in time for any effectual legislation that Session; but even if it came down at the middle of July, it would be said that all the Common Law Members were on Circuit, and that in their absence the Bill could not be discussed. He did not pretend that the measure was perfect; but if it even presented a fair basis for our future legal procedure and judicial organization, it was a great pity that the Session should pass without this great legal reform. If a very much longer time could be given to elaborate the details, the Bill might have been made more perfect and workable to a greater extent without the aid of general rules to be hereafter made; but he hoped the House would take it with such modifications as might be made in Committee, and pass it into law without further loss of time.

Dr. BAILL rose to address the House, but

Mr. GLADSTONE, interposing, said, that as it would be impossible to finish the discussion that night (it being half-past 11 o'clock), he would move the adjournment of the debate, to enable the right hon. Gentleman the Chancellor of the Exchequer to bring forward his Motion relative to the Cape of Good Hope and Zanzibar Mail Contracts.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(Mr. Gladstone.)*

Mr. DISRAELI asked when the debate would be resumed.

Mr. GLADSTONE said, to-morrow, at 2 o'clock.

Mr. DISRAELI said, he asked the question for the convenience of hon. Members of the Bar, whose opinions it was desirable they should hear on the subject.

Mr. WATKIN WILLIAMS said, that two o'clock to-morrow would suit the convenience of hon. Members of the Bar.

Sir RICHARD BAGGALLAY complained of the short Notice of adjournment. It would materially interfere with the arrangements of hon. and learned Gentlemen.

Mr. HINDE PALMER said, that if the debate was resumed at two o'clock, it would of necessity continue till five or six o'clock, which would give ample op-

portunity to legal Members of the House to discuss the measure.

Mr. HOLKER said, it would prevent many hon. Members of the Common Law Bar speaking on the Bill if the debate was resumed so early. It would be impossible to discuss the Bill so fully and so satisfactorily if legal gentlemen had not an opportunity of hearing the discussion.

Mr. LOPES also urged that the discussion should not be resumed to-morrow.

The ATTORNEY GENERAL said, that all hon. Members of the House who were members of the legal profession would not necessarily be absent till four o'clock, or be engaged up to that hour elsewhere.

Mr. ASSHETON CROSS said, he thought the Rating Bills were fixed for to-morrow.

Mr. GLADSTONE: Yes, so they are.

Mr. SPENCER WALPOLE said, that was the most important Bill of the Session. The Bill proposed to make great changes, which he was disposed, as at present advised, to support. It was necessary it should be thoroughly discussed, and he ventured to submit that time would not be lost by adjourning the debate till Thursday next.

Question put, and agreed to.

Debate adjourned till Thursday next.

#### POST OFFICE—MAIL CONTRACTS—CAPE OF GOOD HOPE AND ZANZIBAR.

THE CHANCELLOR OF THE EXCHEQUER, in moving—

"That the Contract for the Conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam Ship Company be approved,"

said, that on the part of the Government, he having taken upon himself the responsibility of the proposed step, he found himself in a difficulty, for he thought the proper course would have been that those who objected to the contract should first be heard, and that the Government should not be put upon its defence without being apprised of the grounds of the objection. He could not help feeling also that it was most desirable that the responsibility of these matters should rest with the Government, who made the contracts, and not

with the House of Commons, who had power to reject them. The effect of the matter coming into the hands of the House, instead of those of the Government, would raise a tendency to produce that which was condemned in other countries—the personal solicitation of Members in the lobbies, which he should be sorry to see adopted in this country; and, further, the fact of the Government not having power to make a binding contract, would tend to increase very much the expense, because persons who entered into contracts with the Government, not knowing whether the House of Commons would accept them or not, would naturally exact higher terms than if left in the hands of the Government. The House were, therefore, now asked to come to an important decision. Of course, if the Government were guilty of misconduct, or acted with unfairness, or from a sinister motive, a contract should be set aside; but the House should not stop there, but should set aside the Government as well as the contract. Having made these prefatory remarks, he would now pass to the facts of the case. During 1870-1 the attention of the Government was much drawn to the question of the East African Slave Trade, which was then in a flourishing and not decreasing condition, and the Government came to the conclusion, that the best way to put down that traffic was not by armed force, but by more pacific means. Accordingly, they had been at considerable expense in putting it down, and had spent within five years upwards of £250,000 in the attempt to do so. As cruisers were the only available means of putting it down, a Committee of the House had recommended a large increase of our armed force; but the Government were of opinion that it would be better to adopt more simple measures; that the great antidote to the slave trade was to let in light upon the transaction, and that a still more effectual rival to the slave trade was the introduction of trade and commerce. With that view, the Government considered it desirable to establish a line of steamers from Aden to Zanzibar, and another from Zanzibar to the Cape of Good Hope. In the latter part of 1871, he made inquiries as to the terms on which that could be done, and was informed that two Companies would be willing to undertake the service. The enterprise was one of con-

siderable hazard, the route having been badly surveyed; and he thought the survey of this line was likely to give more benefit than that by any expedition to the North Pole. The Government took time to consider the matter, and to ascertain what contributions could be obtained from India and other parts interested in the matter. They eventually received proposals from the British India Steam Packet Company and the Union Steam Packet Company, which offered to reduce the number of days' passage from 37 to 30, on consideration of their contract being extended by the term of three and a half years. Eventually, the Government agreed to give the British India Steam Company £10,000 for the service from Aden to Zanzibar, instead of their original proposal of £11,000; while, with regard to the Union Company it was agreed that if they reduced the length of the journey between England and the Cape from 37 to 30 days they would have an extension of their contract for three and a-half years in addition to the four and a-half years it had to run at £26,000 a-year instead of £29,000 and £15,000, for carrying the mails between Zanzibar and the Cape. The request that the service should be fortnightly and only 30 days in length had been complied with, and the wishes of the Cape Colony had been so far satisfied. But the Government had been charged with favouring monopolies and refusing to put the contract up to open competition. That, however, could not be done, because the Cape Company's contract was unexpired, and he held in his hand a letter from Mr. Hamilton, one of the directors of the Company, detailing an interview with Mr. Donald Currie, representing the competing line, in the course of which he proposed a combination to raise the freights and fares on the plea of the rise in the price of coal, and divide the traffic. Failing in that endeavour, an agitation was commenced against the Cape Line. The House had been deluged with letters from the agent of Mr. Currie, a Mr. Soper, and he held in his hand one, dated the 7th of June, to which he wished to call particular attention, as it showed the kind of statements which were made on this subject. That gentleman stated, among other things, that the Chancellor of the Exchequer had extended the contract for

eight years, although it had three and a-half years to run; but the fact was, as he had shown, the contract was extended only for three and a-half years, and it had been made professedly and avowedly to put down the slave trade. Well, in the beginning of the year, in accordance with that contract, the Union Steamship Company had gone to considerable expense in laying down several large ships, and they actually commenced running on the line between Aden and Zanzibar. It was urged that that line should not have been brought into operation until the opinion of the House had been taken on the subject. As to the Cape line, no harm had been done, because the House would not be asked to confirm the contract; but as to the line between the Cape and Zanzibar, it appeared very desirable for the suppression of the slave trade, judging from the disclosures made on the subject, by Dr. Livingstone, Mr. Stanley, and the expedition of Sir Bartle Frere, to bring the contract into operation at once; and he had no doubt that the House would agree with the view which the Government took of this matter. Though the Government felt obliged to abandon the line to the Cape they had not the least intention of abandoning the Zanzibar contract. The Company had acted with a great deal of public spirit in undertaking an enterprise exceedingly difficult and perfectly novel, in which nothing was certain except that their loss must be heavy in consequence of the absence of passengers and commerce. The House would not have approved the action of the Government, if it fell back on the technical defence, and said that these two contracts were contained in two different pieces of paper; and, therefore, though they did not choose to ask the House to confirm the contract between England and the Cape, they require still the Company to adhere to the very low terms they had accepted for the contract between the Cape and Zanzibar. No Government could do such a thing, and they re-opened the contract with the full consent of the Post Office. On the 22nd of November, 1871, before any proposal was made of the service between England and the Cape, the Company offered to perform the service between the Cape and Zanzibar for £29,000. The Government obtained a reduction to £26,000, which was about

8s. a-mile, or nearly the same rate as the Peninsular and Oriental ran at where there was a large commerce and many passengers. If the Government pressed the matter, they might perhaps have got the Company to accept lower terms; but the House would see that in acting as they had done, the Government were only supporting the honour and good faith of the country. The question remained for the House whether they would confirm the contract or not, and he could not allow himself to doubt, after the full statement which he had made, that every consideration of justice and policy would lead them to do it. In conclusion, he would beg to move that the contract be approved.

Motion made and Question proposed,  
 "That the Contract for the conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam Ship Company be approved."—(*Mr. Chancellor of the Exchequer*.)

MR. HOLMS\*: I should have been glad, Sir, if it had not fallen to my lot to oppose the Motion of the right hon. Gentleman. I have done all that lay in my power to warn the right hon. Gentleman against the presentation to this House of the contract now under discussion in its present form. There are occasions, Sir, in the life of every right thinking man when a great conflict arises within him between charity and duty, and this to me is one of those occasions. I have had such a conflict with respect to the course which I should pursue as to this Motion, and I have decided that it is my duty, not only to the public, but also to this House and to myself, knowing the facts of this case as I do, unhesitatingly to place them before you. I may perhaps require to ask some indulgence from the House, because apart from the remarkable circumstances connected with the negotiations which have taken place in relation to this contract, it involves two important principles. Should the House of Commons affirm this contract, then it will sanction the principle that such contracts may be concluded by private arrangement, and without being submitted to public competition. It will also approve this other principle—namely, that such contracts may be made without consultation with our Colonies, who are even more immediately and directly interested in such a bargain than the Home Government. I



wish here to say that, as I must, when relating in detail the facts connected with this contract, refer frequently to the Union Steamship Company, which for a long series of years has carried the mails between Southampton and the Cape of Good Hope, I desire at once to state that that Company, I believe has fulfilled its duties in relation to past and existing contracts in a most satisfactory manner, and I believe also that it is a Company which is very much respected in the Cape Colony; and for myself I would add that having carefully investigated their various transactions with the Government, I can come to no other conclusion than that its directors are worthy of great praise for their business-like capacity. Indeed, I only wish that something more of this quality had been exhibited on the part of those who have negotiated these several bargains with them on the part of the State. I also desire at this point to say that I cannot, and do not, regard the blunder of a Department in a matter of this kind as an error to be charged against Her Majesty's Government generally, nor do I think that when one undertakes to make statements such as I shall have to make before I sit down, they should be made otherwise than in the most frank and direct manner, so that those who ought really to bear the blame may have it fairly brought home to them, and have an opportunity of pointing out any errors—should any such appear in these statements.

Now, Sir, the reason I have for opposing this contract, apart from the fact that it has been entered into by private arrangement and not by public competition, is that it proposes to increase the subsidy by £11,000 a-year beyond the sum agreed upon to be paid for the same services under the contract, dated the 19th of December last, which it has displaced, and by which the Union Steamship Company were to have had £15,000 a-year for carrying the mails between Zanzibar and the Cape of Good Hope. By the one now under discussion, it is proposed to give them a subsidy of £26,000. The reason assigned for this addition is that owing to the dissatisfaction expressed by the Cape merchants and Cape colonists against the proposed extension of the existing contract with the Union Steamship Company, for conveying the mails between the United

Kingdom and the Cape—a proposed extension from 1876 to 1881, which was embodied in a contract also dated the 19th of December last, and which was withdrawn from the Table of the House on the 5th of May. Now, Sir, the negotiation of that contract, the life and death of which is urged as a plea for this increased payment of £11,000 a-year, was a great blunder—a blunder for which the right hon. Gentleman the Chancellor of the Exchequer was directly responsible—and the plain question now before us is this, is the House of Commons prepared to consent to the payment of £11,000 a-year for eight years, that is to say, of a gross sum of £88,000 sterling, in order to cover the retreat of the right hon. Gentleman from a bargain which he ought never to have made? Having made this strong statement, I feel I am bound to show that this proposed payment of £88,000 is to be given for this object, and for this object alone. To establish this assertion, the House may very reasonably ask me to prove that the payment of £15,000, as proposed by the first contract agreed upon for conveying the mails between Zanzibar and the Cape was in itself sufficient. I propose to do this in several ways. First, I would point out to the House that these mail contracts have all had their origin in the proposed establishment of a mail service for the purpose of aiding in suppressing the slave trade on the east coast of Africa. To this end it was thought wise to arrange that steamers should be run from Aden to Zanzibar, and from Zanzibar to the Cape of Good Hope. Some time before the suppression of the slave trade was spoken of, Her Majesty's Government had had applications from two Companies in relation to the conveyance of these mails. One dated the 22nd of November, 1871, from the Union Steamship Company—and here I would beg the close attention of the House for a few minutes, as the facts I am now about to state have an important bearing on the case—offering to carry mails from Zanzibar to the Cape, once each alternate month, for the sum of £18,000 a-year, or once a month for £29,000 a-year for a period of seven years. The other offer was from the British Indian Steam Navigation Company, who proposed to carry the mails from Zanzibar to the Cape, not for £29,000 a-year, but

for £16,815, or a little more than half the sum proposed by the Union Steamship Company. But, besides, the British Indian Company offered to carry the mails from Zanzibar and Aden for £11,050, and their combined offer was evidently in the opinion of the Government the only one at that time worthy of consideration, for on the 10th of January, 1872, Lord Kimberley wrote a despatch to the Governor of the Cape, giving the particulars of this offer of the British Indian Company, and asking the colony if it was inclined to give a subsidy of £4,500 in aid of the contract. How brought about the House will judge now from the following extract from a letter to me from the British Indian Steam Navigation Company, June 2, 1873:—

“We put our proposal before the Post Office authorities in London prior to December, 1871; and we also had a favourable reply before December, 1871. The Post Office, London, no doubt sent on the proposal to Lord Kimberley, and thereupon he sent his despatch to the Cape. The conditions of this service as to speed, size of vessel, &c., were the same as have been arranged under contracts now made, and our offer was based on a rate of 5s. per nautical mile. It was subsequent to this that a director of the Union Steamship Company came to us and said that he had heard of our correspondence, and that they would be glad to meet us at the Cape or Natal—indifferent which. We agreed. Subsequently he suggested that they might do the part between the Cape, and either Delagoa Bay or Mozambique or Zanzibar. Finally we agreed on Zanzibar, and on hearing that another firm had sent in an offer to do the service from Aden to the Cape for £25,000, we agreed to modify our joint tender to that amount, he at £10,000 from Aden to Zanzibar, the Union Company thence to the Cape at £15,000.”

Then, subsequently to this, on the 25th of June, 1872, these two Companies, the British Indian and the Union, entered into an arrangement for a joint contract for carrying the mails from Aden to the Cape for £25,000 per annum. The British Indian made some slight reduction from their original proposal of £11,500 for the voyage between Aden and Zanzibar, and proposed to take instead £10,000. The Union Steamship Company also made a slight reduction from the offer of the British Indian Company for carrying the mails from Zanzibar to the Cape, and agreed to take £15,000 instead of £16,815. This joint tender was offered to Her Majesty's Government, as will be seen from the printed Papers which I moved for, and

which are now in the hands of hon. Members. There was no stipulation in it whatever in relation to an extension of the contract held by the Union Steamship Company, for carrying the mails between the United Kingdom and the Cape. To the surprise of the British Indian Steam Navigation Company, they were asked, however, in the month of August, to have their contract drawn up separately, which was done, and for a period of 10 years. These discussions have revealed to them and to the public that the object of this was to enable the Union Steamship Company to go and have some private bargaining on their own account, which they did, by giving off two years from the 10 proposed under the Zanzibar and Cape contract—a new and untried service—to obtain the extension of their Cape and Southampton contract for three years and a-half. If the statement which I have thus made has been followed and understood by hon. Members, they will at once perceive that £15,000 was an ample payment to the Union Steamship Company for the services which the right hon. Gentleman the Chancellor of the Exchequer proposes to give them—£26,000 a-year. But I go further. The distance between Zanzibar and the Cape is 2,500 miles; from Zanzibar to Natal is 1,660 miles, and from Natal to the Cape 840 miles. The British Indian Company offered to carry the mails from Zanzibar to Natal for £10,800, and from Natal to the Cape for £5,400. Now, inasmuch as the Union Steamship Company not only run steamships every month regularly between the Cape and Natal without any Post Office subsidy from Her Majesty's Treasury whatever, and as the trade between these places is growing so rapidly, that they propose to put on an additional steamer a month, they could clearly afford to perform this service at a lower rate than the British Indian Company, who have no steamers running on any portion of the line. To put this beyond a doubt, I will read to the House a short extract from the last report of the Directors of the Union Steamship Company, dated 8th October, 1872. They say—

“The Commercial prosperity of the Cape and Natal colonies continues to increase. To accommodate the growing commerce of Natal, the Directors have decided on placing a second steamer on the Coast station, which will give

two sailings a month to that port instead of one."

This Company, moreover, receives a subsidy from the Government of Natal of £2,000 a-year, with the prospect of its being increased. Under these circumstances it is perfectly obvious that, without any subsidy whatever, the Union Steamship Company could carry the mails between these two ports, and it follows that they could easily have accepted the £10,800—the sum fixed upon by the British Indian Company for carrying the mails from Zanzibar to Natal—for the service for the whole distance between Zanzibar and the Cape of Good Hope. I am of opinion, therefore, that even by private arrangement the Union Steamship Company might have been induced to accept of the £10,800, instead even of the £15,000. In truth, Sir, this is the position—if we wished to see a line of omnibuses from the Mansion House to Hammersmith, surely that company which already had a successful line established from the Mansion House to Charing Cross would be able to undertake to run the whole distance for a lower subsidy than the company which had no connection with the line whatever. But, Sir, the Union Steamship Company profess themselves to be satisfied with the subsidy of £15,000 a-year, for in a letter dated the 20th of February last just one day after the contracts had been placed upon the Table of this House—that is, the contracts which have both been withdrawn—the Chairman of the Company, addressing the shareholders and friends of the Company, in the manner of an impartial father, desires that both contracts should receive their support, and thus speaks of the Zanzibar contract—

"It is not disputed that the Zanzibar service has been undertaken on very moderate terms—namely, £15,000 per annum. The Company is prepared to face a loss at the commencement, but this contract is based on the expectation that the facilities afforded would develop trade on the Eastern Coast of Africa, and render the latter part of the term remunerative. Moreover, it is expected that it will act as a feeder to the main line, and each tender was approved on its own merits."

Surely, Sir, this establishes beyond the shadow of a doubt the position I have assumed; that under this contract a subsidy of £15,000 a-year was an ample and sufficient payment. I claim that I

*Mr. Holmes*

have already proved my case; but I go further, and I say we cannot tell what the market price is for the service proposed from Zanzibar to the Cape, as until we have submitted the contract to public competition we have no idea at what price we can get it done. I hold in my hand at the present moment a letter from one leading shipping firm in the City, who are in every way capable of carrying out what they undertake, and in this letter they state that they are willing if invited by public advertisement, to tender to carry not only the Zanzibar mails for a less sum, but also that they are prepared to accept of a contract for a much shorter period, and this is a matter of even greater importance to the public than the saving of a few hundreds a-year on the first price. I ask the House to resist the proposed extra payment of £11,000 a-year, making in all £36,000 a-year for the same services which two companies have already most willingly offered to undertake for a payment of £25,000 a-year; because the £88,000 we have been asked to vote by the right hon. Gentleman the Chancellor of the Exchequer, it must be distinctly understood, is to be paid away in instalments of £11,000 a-year in order to cover his own blunder.

But I have more to charge against the right hon. Gentleman. Along with the contract now being discussed hon. Members will find a printed letter, dated the 7th May last—a letter which, if I were not speaking in this House, I would characterize by very strong language indeed; but while in my place here I will simply say of it that it appears to me to be a most disgraceful production. It cannot be excused on the plea of having been written in haste, because the right hon. Gentleman knows more, or ought to know more, than any other man about this question. Now, if hon. Members will look at this letter they will find that towards the end of it the Post Office authorities are instructed by the right hon. Gentleman to conclude a contract, with as little delay as possible—

"For a mail service similar to that already agreed upon, for a sum not exceeding £26,000 a-year, which my Lords understand the directors will be willing to accept, and which is £3,000 a-year less than the original offer to the Secretary of the Post Office for this service, which was for a sum of £29,000 for twelve trips a-year each way, whilst the Company now under-

took for a less sum to make thirteen trips each way."

Now, if this statement means anything it means this, that the Company was going to get by the contract now on the Table of the House £3,000 less than it was likely to have before accepted, and to give 18 in place of 12 sailings in the 12 months. Now, this old offer had been dug up and trotted out for the purpose of giving some colour to the extraordinary proposal to pay £26,000 a-year, although I think I have made it clear to the House that when this offer was made by the Union Steamship Company it was at once dismissed and laid aside, and the tender made by the British Indian Steamship Company negotiated upon because it was so much lower. I ask, in the name of common honesty, if it is fair to the House of Commons—is it fair to the taxpayers of this country—to have a statement so calculated to mislead us stuck at the end of a letter dated from Her Majesty's Treasury Chambers, and issued under the sanction of the right hon. Gentleman himself, who must know so thoroughly the whole facts of the case, having studied them since 1870. The right hon. Gentleman has used a word which I hope never again to hear within these walls, and he has set a very bad example in introducing such a word, the word "lobbying." This would give the public to understand that hon. Members of this House had a personal interest in matters of this kind. For myself I know no companies; I only know the public. I throw back to the right hon. Gentleman, then, the word "lobbying," and I hope he will carry it out of the House, never to re-appear here again. But I have something more to say about this letter. At the beginning of the last paragraph the right hon. Gentleman seeks to make the House believe that these contracts were entered upon on the 1st of January last, because there was no reason to believe that the House of Commons would disapprove of them, for he says that this additional sum of £11,000 a-year is to be given because of the Company—

"Having commenced both services from the 1st of January last, in anticipation that both would receive the approval of Parliament."

I do not think it is possible to make a statement more likely to mislead the House than this. Upon what grounds

the right hon. Gentleman based this confidence and self-complacency in respect to the approval of this contract I cannot understand. Let the House judge for itself. Immediately the Cape merchants in the City heard some rumours with respect to the proposed extension of the Cape Mail Contract, they at once called a public meeting. They were extremely anxious that the contract expiring in 1876 should not be extended, for they were in hopes that the rate of postage for letters, which had been raised in 1863 from sixpence to one shilling, would be again reduced at the end of the present contract. They held a meeting on the 19th of November; they prepared a memorial, which was signed by over 100 of the leading firms connected with the trade of the Cape colony, protesting against the proposed new arrangement, and which I will read:—

"Copy of the Memorial of the Cape Merchants to the Lords Commissioners of Her Majesty's Treasury.

"London, November 23, 1872.

"To the Right Honourable the Lords Commissioners of Her Majesty's Treasury.

"The Memorial of the undersigned Merchants and Others interested in the trade between the United Kingdom and the South African Colonies,

"Sheweth that your Memorialists have learnt with surprise that a new Contract with the Union Steamship Company, for the conveyance of Her Majesty's Mails between the United Kingdom and the South African Colonies has been authorised by your Lordships.

"Wherefore your Memorialists, believing that the said Contract is opposed to the interests of the Colony, appointed a Deputation, who sought an interview with the Postmaster General, for the purpose of ascertaining the facts of the case, and of representing the views and feelings of the meeting held in the City on the 19th instant; and your Memorialists being unable to obtain the interview they desired, in consequence of the absence from town of the Postmaster General, and having been informed that the proposed Contract had originated in your Lordships' recommendations, feel themselves compelled, by the urgency of the case, to appeal to your Lordships to withhold your sanction to the completion of the same.

"That your Memorialists have reason to believe that the extension of the Ocean Contract with the Union Steamship Company has been made in connection with a service between the Cape of Good Hope and Zanzibar; and, while sympathizing in the efforts of Her Majesty's Government in taking measures for the suppression of the Slave Trade, they cannot recognize the justice of carrying out an Imperial policy at the expense of the interests of the South African Colonies, and this the more especially seeing that, so far as your Memorialists

- have been able to learn, no steps were taken, by public advertisements or otherwise, to invite competing offers for this new line between the Cape and Zanzibar.

"That, considering the recent and probable future improvements in steam navigation, it is undesirable to anticipate the termination, in due course, of the existing Contract.

"That, looking at the largely-increased correspondence between the United Kingdom and South Africa since the date at which the existing postage rates were instituted, the present state of charges is unduly high.

"That, in view of the growing importance of the South African Colonies, and the necessity for increased communication with Great Britain, it is in the interest of the Colonies that capital and enterprise should be attracted in that direction; and your Memorialists are satisfied that the proposed extension of the existing Contract with the Union Steamship Company, by giving them a virtual monopoly, will have the effect of repressing private enterprise, which, even under the disadvantages of the present system of postage charges, has supplied the Colonies for the past eleven months with an independent line of steamers, making an average passage to and from the Cape seven to eight days under the Mail Contract time of the Union Steamship Company.

"That the Cape Colonies having recently obtained responsible Government, it is deeply to be regretted that they should have had no voice in the consideration of the terms of a Contract in which the Colonial interests are so vitally involved.

"That, for the foregoing and other reasons, your Memorialists respectfully protest against the proposed extension and modifications of the existing postal Contract with the Union Steamship Company, and earnestly pray your Lordships may be pleased to postpone the ratification of the same until an opportunity has been afforded to the South African Colonies of making their opinions known.

"And your Memorialists will ever pray, &c."

They sought an interview with the Postmaster General, and, failing him, they applied to the right hon. Gentleman the Chancellor of the Exchequer himself. That interview took place on the 5th of December, just a fortnight before the contract I am now speaking of was concluded. Now, Sir, this deputation I must confess—for I had the honour of introducing it—did approach the right hon. Gentleman in a most confiding and hopeful spirit, at which I was myself in some measure surprised, but I attributed it to two causes: the first was, that perhaps they felt they were approaching a Gentleman who—whatever he may have been in other walks of life—was, at least in their eyes, a most successful colonist, and therefore inclined to show some brotherly feeling towards them; and, in the second place, they recognized

in the right hon. Gentleman the very apostle of open and public competition. They recollected, without doubt, that he was a warm friend of the system of competitive examination, and his replies to deputations seeking Government aid, say for a scientific expedition, must have been fresh in their minds. Public competition and private enterprise they knew the right hon. Gentleman relied upon as the plea for sending all such deputations away empty; and were they not there to urge and encourage him on this path in which he so heartily delights to travel? They concluded, doubtless, that the private bargaining and arrangements which they came to protest against would only require to be named to the right hon. Gentleman to induce him to disapprove and to condemn them; and they were animated with the feeling that the Chancellor of the Exchequer had been imperfectly informed upon the facts of the case, and that once he was really made acquainted with them he would cordially accept of the opportunity which their visit afforded him of getting out of the dilemma in which the Treasury had placed itself, without loss either of time or of dignity. But every bridge over which the right hon. Gentleman might have thus escaped he recklessly kicked down, and he ended the interview by saying that whatever had been done in the matter had been done for the public good; that if the Cape Colonists had paid any portion of the postal subsidy they would have had a better title to be heard; and that as to the question of offering the contract to public competition, that was a fair question to raise, and one he would be prepared to discuss in the House of Commons. Now, after all these efforts of the most public character, and in spite of the most earnest protests against the conclusion of the contract made weeks before it was signed, what defence, I ask, has the right hon. Gentleman to make for sanctioning the extraordinary statement made in this Treasury letter to which I have referred, and which is to the effect that they assumed that both contracts would receive the approval of Parliament. But, Sir, apart from all this agitation against these contracts by those who were so directly interested in them, it appears to me to be a most dangerous and mischievous practice for a Public Department to enter upon contracts on

the assumption that Parliament will subsequently approve of them. The case now under discussion affords conclusive evidence of the danger of taking such things for granted, and the sooner that Public Departments are disabused of the idea that they can enter upon such irregular transactions with impunity the better. I will give the House two instances of this—one in relation to each of these contracts. The first refers to the contract for conveying the mails between the United Kingdom and the Cape. In that proposed extended contract it was stipulated that there were to be three sailings a month. Now, that contract, which was signed on the 19th of December, only received the sanction of the Treasury on the 19th of February, and yet on the 23rd of December these three sailings were announced by the Postmaster General as to commence at the beginning of the year. A copy of this official announcement I now hold in my hand. Now, that contract has never even been submitted for the approval of this House, and never will, for it has been unconditionally withdrawn. I come to the second—to the Zanzibar and Cape contract, also dated the 19th of December. The right hon. Gentleman stated to this House on the 5th of May, when speaking of this contract, that not only had it been entered upon, but a payment had been made out of Her Majesty's Treasury on account of it. Let the House weigh the position. A payment has been made in relation to this new contract which Parliament has never sanctioned, and which it cannot now sanction, because it also has been withdrawn, and if the House to-night should accept of my Motion, as I am persuaded that it will, the Union Steamship Company will have had a payment made on account of a contract which has never even been submitted to this House for approval. The House, I am confident, will join with me in asking from the right hon. Gentleman a full explanation of these irregularities, and also in seeking from him a statement of the authority by which these extraordinary payments have been made which have never been sanctioned by this House. The question, indeed, comes simply to be this; Is the House of Commons prepared to admit that the control which it is supposed to exercise over the expenditure

of the public money is a mere sham and not a reality? I have spoken of a great principle that will be sanctioned by this House if this contract be approved—namely, that of making such contracts by private arrangement instead of by open competition, grave evils are sure to ensue, and no better instance can I give than the arrangements with this Company. The Company first undertook to carry the mails from Southampton to the Cape in the year 1857, which contract they obtained by tender in open competition. This contract was for a period of five years; and the second they also obtained by tender, and it was for a period of seven years from 1863; the terms of this last were that they should convey the mails once a month in 38 days, and for this they were to receive a diminishing subsidy, beginning with £25,000 and ending at £15,000; and this latter sum, I understand, is that which was indicated as the amount to be paid for future years. Now began the series of objectionable private arrangements. The first was made 10 months after the last named contract was entered upon, when the Company sought and obtained a commutation of £19,700 a-year, instead of the diminishing sums from £25,000 to £15,000. This £19,700, I take it, was simply the average of the seven years with interest added for the larger amounts, and the advantages of such an arrangement to the Company and to the Government of the day are at once apparent; but its disadvantages, so far as the public interests are concerned, are equally obvious. As regards the Government of the day, it was by this new arrangement called upon to pay on entering upon the contract £19,700 a-year instead of £25,000 and proportionately less to the end. On the other hand, the Company had the advantage of ending with an annual payment of £19,700 instead of £15,000; and as this would extend to the year of notice, which is a year beyond the exact term of contract, they would obtain a payment of £4,700 more than if they had ended with the £15,000. The result of this has been to throw into the coffers of the Union Steamship Company many thousands of pounds which ought to have been saved to the public. The taxpayers of the United Kingdom paid these subsidies when the contract was a losing concern in the expectation that the days

would come when it would be recouped to them; but these days, as I will by-and-by show, have been through mismanagement greatly postponed. The next private arrangement proposed by the Union Steamship Company was in the year 1868, just two years before their previous contract was to expire. They then suggested to the Government that as the exigences of the Cape trade demanded it, they would be willing to send two mails a month if the Government would agree privately to give them a new contract for eight years based not upon the payment of a subsidy of £19,700 a-year, but upon the revenue derived from the Ocean and British inland postage—a steadily growing revenue. The Government of that day found that in the year preceding—that is, 1866-7—the amount received for the Cape letters was £16,600, and that if they accepted this offer of the Union Steamship Company they would effect an apparent and immediate saving of £3,100. They altogether failed, however, to look at the question from a business point of view, as the Union Steamship Company had done, and altogether ignored the rapid growth and extension of the Cape trade. They accepted this proposal of the Company in the year 1868, and it will be interesting to the House to know that for the three succeeding years the average receipts of the Union Steamship Company from the Ocean and British inland postage was £21,500; and this result indicates, I take it, that the Company at all events had a very shrewd conception of the nature of the bargain they were making.

Now we come to another private arrangement, which, however, has luckily been knocked on the head. This was the arrangement proposed to be carried out by the contract so wisely withdrawn by the right hon. Gentleman on the 5th of May. On the 10th of January, 1872, the Union Steamship Company made overtures to the Government for a private arrangement, by which their contract was to be again extended to the 1st of January, 1881; and they made this proposal—that the contract should be extended for the period I have named, and that the Company in return would give the following advantages:—First, that they would forego the British inland postage, which was equivalent to a sum of £1,900 per annum, or £6,650 for the

unexpired period of three and a-half years which their contract had to run; second, that they would give three sailings a-month, and increase the speed of their ships so as to convey the mails in 30 days instead of 38. Let the House look at these three points—the money, the number of sailings, and the time. In the year 1872, at the beginning of which this proposal was made, the ocean and inland postage which the Company received amounted to £25,482, and showed an increase of £4,000 over the previous year. A revenue like this was certainly well worth keeping hold of for four years and a-half longer in itself by a private bargain; but it was also an important consideration for the Union Steamship Company to have the power of running three steamers a-month in place of two; for let the House note this fact—it was not the Union Steamship Company that was to give three sailings a-month to the Postmaster-General, but it was the Postmaster-General that was to give the Company power to run three steamers a-month or two as they thought proper. In a word, they were to be allowed three thongs instead of two to their whip, by which they might thrash off their competitors on this line; and the terms of the bargain were such that this Company would have been at liberty after they had succeeded in this in reducing their sailings to two in the month. The effect to the public of such an arrangement as this would have been that whereas now they enjoy four sailings a-month to the Cape, they would probably have had them reduced to two. Now, as to time, 30 days is put forward as a concession on the part of the Union Steamship Company, when the fact is their steamers have run and are now running in 30 days, simply because the ships of a competing line do it in the same time. I think I have made it clear to the House that in these negotiations the interests of the public and of the colonists have invariably been made subservient to the interests of private companies and of individuals, and I would earnestly beseech the House to condemn in an emphatic manner the practice of arranging such important public undertakings in a private manner. Here is a Company which undertakes in the year 1863 to do a certain service to the State by contract; but the conditions of that contract would

not have been publicly revised or corrected by the wholesome influence of competition and enterprise until the year 1881 at the earliest, had it not been for the energy and determination of the Cape colonists and Cape merchants in London in opposing the proposed and one-sided private arrangement. Now, Sir, I cannot sit down without alluding shortly to the other principle which I spoke of as being involved in these transactions for the extension of this contract—that they ignore in the most flagrant manner the opinions of our fellow-subjects in the colonies. The people at the Cape of Good Hope throughout these negotiations were never consulted upon the terms of a bargain in which they are obviously so directly interested. We profess to administer the affairs of our colonies with a single eye to the promotion of their best interests, and in the face of this profession there is something positively ludicrous about the contents of a despatch from the Government House at Cape Town dated the 3rd of January, 1873, and which I will take the liberty of reading to this House—

“(Cape of Good Hope, No. 3.)

“Governor Sir H. Barkly to Lord Kimberley.

“Government House, Cape Town,

“3rd January, 1873.

“My Lord,—At the instance of my advisers I have the honour to transmit, for the consideration of Her Majesty's Government, a memorandum representing strongly the injustice which it is considered will be done to the colony by the extension of the contract for carrying the English mails with the Union Steamship Company, at the present heavy rate of 1s. per half-ounce postage without tenders being called for in the usual way.

“2. It will be seen from the enclosures to this memorandum, that the action of the Cabinet is founded upon resolutions unanimously passed at special meetings of the Chambers of Commerce of Cape Town and Port Elizabeth, which in turn took their origin in a meeting held in London by merchants and others interested in the Cape trade.

“3. At that meeting it was stated that if the contract were thrown open to competition, there was good reason to believe that another company would be prepared to perform the service on the basis of a rate of only 6d., so that your lordship will not be surprised to learn that the rumour that the matter has been already settled by the Postmaster General has been received with universal dissatisfaction out here, for I have not been in a position either to confirm or deny the authenticity of this rumour; having as yet been favoured with no communication on the subject of the new contract.

“5. It is true that among the enclosures to your Lordship's despatch of the 19th August,

No. 240, respecting the proposed establishment of a line of mail steamers between Aden and the Cape of Good Hope, there is an allusion in a letter from Mr. Stronge of the Treasury to a proposal from the Union Steamship Company, to make certain improvements upon condition of obtaining an extension of their contract by three and a-half years; but the nature of these improvements is not specified, and as no opinion from the Secretary of State for the Colonies was invited either by the Lords of the Treasury or by the Postmaster General, the late Executive Council, before whom that despatch and its enclosures was laid, considered with myself, that it was better to await some more formal notification upon the subject.

“6. Trusting that it may not even now be too late to pay attention to the reasonable wishes of Her Majesty's subjects in this colony in the matter.—I have, &c.,

“(Signed) HENRY BARKLY,

“Governor.

“The Right Honourable the Earl of Kimberley.”

Surely this is a most extraordinary position for the Governor of an important colony to be placed in. He is kept in the most absolute ignorance of a matter of vital importance to the welfare of the people over whose affairs he presides. A contract has not only been negotiated and concluded, but actually entered upon, in which the Cape colonists are more immediately interested than all the world besides, and yet the Governor of that colony, as he himself expresses, has, “as yet been favoured with no communication on the subject of the new contract.” And this treatment of the Cape colonists is all the more extraordinary and unaccountable when we recall the circumstance that in Her Majesty's most gracious Speech from the Throne in August, 1872, when proroguing Parliament, the following sentence occurs:—“I have cheerfully given my assent to an Act of the Legislature of the Cape Colony for the establishment in that Colony of what is now generally known as responsible Government.” On the 28th of November last, a responsible Government was proclaimed and established at the Cape, and the inhabitants naturally looked forward to more freedom of action, not only with respect to affairs that were peculiarly colonial, but also with regard to interests affecting their relationship with the mother country. Little did they suppose that at that very time when they flattered themselves upon having so far thrown off the trammels of Downing Street, the right hon. Gentleman the Chancellor of the Exchequer was doing his best to bind them



with the stoutest of red tape in respect to a matter which was of the very first importance in regard to their future welfare and advancement. This feeling, moreover, could not fail to be intensified by the fact that the very newspapers which announced the establishment of responsible government at the Cape also made this satisfactory statement with respect to the revenue of the colony—that the revenue for the year had reached over a million sterling, while the expenditure fell short of £700,000. How the right hon. Gentleman the Chancellor of the Exchequer, with the facts before him of the rapid progress of the Cape Colony and of its growing commerce and trade, could ever have dreamed of sanctioning the proposed extension of the Cape mail contract I cannot possibly conceive. When the deputation to which I have already referred waited upon him, one of the Cape merchants present offered to furnish the right hon. Gentleman with some information on this point; but he was at once curtly silenced by the remark from the right hon. Gentleman that he already knew all about it. It may be well, however, that the House should know it also, so that hon. Members may judge for themselves what kind of a bargain the Treasury has sanctioned on behalf of the public. It is for the loss of this bargain, let it also be clearly understood, that we are asked to give as compensation this additional £11,000 a-year under the contract now under discussion. The value of the exports and imports of the Cape Colony in the year 1868 was £4,099,000. That was the year when the contract with the Union Steamship Company was entered upon. In 1871 the total value had increased to £5,933,000; and last year—that is, 1872—of all our foreign customers the Cape had increased their purchases from us in a larger ratio than any of the rest. Moreover, the Customs' dues collected in the colony in 1868 were roundly £282,000; last year they amounted to £550,000. With such facts as these in our possession, it is our duty I think, most earnestly to protest against this contemptuous ignoring of the rights and opinions of our colonists as has been manifested in these transactions—transactions in which they have clearly the most direct and immediate interest. There is another point on which I would have liked to

say something, and that is the mischief which arises from long contracts; but as this is a question which to discuss fully would occupy much of your time—and I feel that I have trespassed freely upon it—I do not now propose to enter upon it. I will only venture to make this remark, that the frequent alterations made in the Cape mail contracts by private arrangement go to prove the necessity of all such contracts being made for a brief term, if we desire to give the public full advantage of the rapid improvements which take place in steam conveyance, and the growing and extending influence of trade and commerce. I cannot conclude without adding this—that if the sum of £88,000 is to be paid for the blunder committed by the right hon. Gentleman in making this foolish bargain, the Cape colonists and Cape merchants repudiate most earnestly the idea that any of the blame or responsibility rests with them. They protested against the proposed contract as soon as they heard of it, and they protested so loudly and steadily, that they shouted it out of existence. Now I have stated my whole case—imperfectly, I fear—but I will leave the House to judge and decide upon the plain statement I have submitted. I am persuaded the House will feel that I have had to discharge an uncongenial duty. I have, nevertheless, felt it incumbent upon myself to discharge it as a Member of this House. As a Liberal I repudiate these private bargains and arrangements of the right hon. Gentleman when dealing with the money of the public, and I am persuaded also that the Liberals will for themselves repudiate any share in such discreditable doings.

MR. R. N. FOWLER, in supporting the Amendment, said he would strongly urge the House not to agree to the Resolution of the right hon. Gentleman the Chancellor of the Exchequer.

MR. SAMUDA said, the House would commit a grave error if it adopted the course urged by the hon. Member for Hackney (Mr. Holmes), and got rid of contractors who had served the Government faithfully, and at no exorbitant profit to themselves; in order to negotiate with other parties of whom they had no knowledge whatever.

MR. EASTWICK took exception to some of the statements of the Chancellor of the Exchequer respecting Mr. Soper

and Mr. Currie, and observed that a much more important question than the carrying of the mails was the want of candour and straightforwardness on the part of one of the leading Members of the Government. The question at issue was whether contracts should be thrown open to public competition, or dealt with by private arrangement.

MR. RATHBONE trusted the House would retain in its hands the power of reviewing mail contracts, by which, according to a Return presented in 1871, no less than £474,000 a-year was unnecessarily lost. This particular contract would, he hoped, not be confirmed. These costly contracts, instead of promoting, tended to cripple commerce.

SIR JOHN LUBBOCK said, it might be inferred from the statement of the hon. Member for Hackney (Mr. Holms) that the community of Cape merchants were opposed to the contract, whereas some of the principal Cape merchants had expressed to him their entire approval of it. It should be remembered that there was hardly any commerce as yet between the Cape and Zanzibar. It was certainly desirable as a general rule that these contracts should be open to competition, and also that they should be submitted to the House. This however should be done before they were brought into operation; in the present case the Company had been working the contract since January, and the Chancellor of the Exchequer had explained the reasons which induced him to depart from the usual course. To cancel the contract now would, he thought, be unfair to the Company, and would place the country at a disadvantage in future negotiations. Under the circumstances of the case therefore he should vote for the right hon. Gentleman's Resolution.

SIR STAFFORD NORTHCOTE said, the two contracts stood on a different footing, and the question was why the Government were entering upon this Eastern contract upon which they might have had competition. He wished to point out that the Government had withdrawn from the contract for the west coast service, and had given this contract for the east coast as part of the price for the rescinding of the first contract. In doing that, they had annulled the original contract, which was supposed to be a good one. It was, therefore, fallacious to say that the contract

now in dispute had been in operation for some time.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member for Hackney (Mr. Holms) produced a printed paper, which stated that an offer had been made by certain parties to perform this service, which had been described in a despatch from Lord Kimberley to the Governor of the Cape. The Postmaster General knew nothing about that offer, and the statement about Lord Kimberley's despatch had come upon the Treasury bench as a surprise. Under those circumstances, the proper course was to lay the despatch upon the Table, to make inquiry into any offer of this kind that might have been made, and to state the result of that inquiry to the House. If the hon. Member made out his case, he would be entitled to the benefit of it; and if not, then he (the Chancellor of the Exchequer) would be entitled to claim the vote of the House. He begged, therefore, to move the Adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(Mr. Chancellor of the Exchequer.)

MR. HOLMS said, he had quoted nothing without being sure that it was authoritative. He had quoted Lord Kimberley's despatch from a colonial newspaper, and he did not see what the House had to ask for more.

MR. GLADSTONE said, that his hon. Friend the Member for Hackney (Mr. Holms) had somewhat overstated the information given to the House. The Chancellor of the Exchequer had admitted that it would be his duty to produce an official document which had been referred to, and to ascertain all the circumstances connected with it. There was, however, an important gap waiting to be filled up. This despatch of Lord Kimberley's purported to state that a proposition had been made, but not from whom, or whether it was from a responsible party. There was therefore much which it was necessary for the House to understand, and the proper course was to adjourn the debate.

MR. DISRAELI said, it did seem most extraordinary that the Government should interfere to adjourn a debate, the paramount importance of which was acknowledged, because they were not provided with a necessary official docu-

ment which they ought to have been prepared to produce. During his experience in the House he hardly remembered a case in which flimsier reasons had been alleged in favour of an Adjournment. The House was in possession of all the information which would justify a decision; and if not, the fault lay with the Government, who had chosen their own time and opportunity. There had been a full discussion of the whole subject; but because the Government could not give a satisfactory answer to the charge, they wanted to waste the time of the House, and arrest the Business of the country by adjourning the debate. He should take the opinion of the House against the adjournment of the debate.

MR. BOUVERIE said, he wished to remind the House that they had no evidence as to the existence of Lord Kimberley's despatch, except an extract from a colonial newspaper. The Government having declared that they had been taken by surprise by a despatch of which the Chancellor of the Exchequer had no knowledge, but which altered the view he took of the case, the House ought not to refuse to adjourn the debate, or to insist upon pronouncing an opinion on this contract. The despatch must be laid on the Table, and to go to a division without it would not only be contrary to the practices and the rules of the House, but a most dangerous precedent. He should, therefore, vote for the adjournment.

MR. GATHORNE HARDY said, there was one Member of the Government on the Treasury bench—the Under Secretary for the Colonies—who could if he thought fit, give the House some information about that despatch. He saw that right hon. Gentleman in his place; perhaps he would inform them whether the quotation of the hon. Member for Hackney (Mr. Holmes) was authentic.

Question put.

The House divided:—Ayes 205; Noes 121: Majority 84.

Debate adjourned till Thursday.

#### BETTING HOUSES BILL.

On Motion of MR. THOMAS HUGHES, Bill to amend an Act passed in the sixteenth and seventeenth years of Her present Majesty, chapter one hundred and nineteen, intitled "An Act for the suppression of Betting Houses," ordered to be brought in by MR. THOMAS HUGHES, DR. LYON PLAYFAIR, MR. MILLER, MR. ANDERSON, and MR. BOWRING.

Bill presented, and read the first time. [Bill 185.]

Mr. Disraeli

#### MUNICIPAL CORPORATION (BOROUGH FUNDS) BILL.

On Motion of MR. SECRETARY BARNES, Bill to amend an Act of the Session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, intitled "An Act to authorise the application of Funds of Municipal Corporations and other governing bodies in certain cases," ordered to be brought in by MR. SECRETARY BARNES and MR. WINTERBOTHAM.

Bill presented, and read the first time. [Bill 186.]

House adjourned at a quarter before Two o'clock.

#### HOUSE OF LORDS.

Tuesday, 10th June, 1875.

MINUTES.] Public Bills—First Reading—Elementary Education Provisional Order Confirmation (No. 5) \* (149); Juries (Ireland) \* (150); Elementary Education Provisional Order Confirmation (Nos. 4 and 6) \* (151 and 152).

Second Reading—Agricultural Children. (102); County Authorities (Loans) \* (124); Customs Duties (Isle of Man) \* (116); Registration (Ireland) \* (138).

Committee—Report—Crown Lands \* (117); Gas and Water Provisional Orders Confirmation (No. 2) \* (125); Matrimonial Causes Acts Amendment \* (105).

Third Reading—River and Harbour Orders Confirmation \* (96), and passed.

#### AGRICULTURAL CHILDREN BILL.

(The Lord Henniker.)

(No. 102.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD HENNIKER said, it was with confidence he brought this Bill before their Lordships upon so important a subject, as a young Member of the House; but it was one in which he had taken great interest, and he believed the Bill would recommend itself on its own merits to their Lordships' consideration and approval. It was prepared and brought into the House of Commons by his hon. Friend Mr. Clare Read, who always dealt with any question he might take up in a practical and business-like manner, and who was fully conversant with the subject to which the Bill referred. The name of Mr. Kay-Shuttleworth was on the back of the House of Commons Bill, and was another guaran-

tee of its having been carefully and ably prepared. Without going into the details of the Bill, he (Lord Henniker) would state very shortly its main provisions. It provided that no child should be employed in agriculture under the age of eight, that up to the age of ten no child should be employed who could not produce a certificate of having attended a school 250 times during the previous year, and that up to the age of 13 no child should be employed unless it could produce a certificate of 150 attendances in the previous year. The number of attendances would be found to correspond with the rules laid down in the new Education Code. These certificates would only hold good for one year from the date of issue. Penalties were imposed upon parents and others for infringement of the Act, and more heavily upon employers. These were the most important provisions of the Bill; the details would probably be fully discussed in Committee. The Bill brought into the House of Commons last year was the same as that of this Session, which was almost unanimously agreed to by that House, with the exception of a new clause to leave parents who employed their children in helping them in their allotments or gardens outside the Bill; and it came, with one or two good Amendments, pretty much in the same form to their Lordships' House, with one important exception—namely, that the limit of age was altered from 12 to 13. The Bill was one which had been required for some time past, and was brought in to meet a great and increasing difficulty which, perhaps, this was the first opportunity to remedy. They had schools nearly everywhere now—and soon he trusted they would have them everywhere—with certificated teachers, under Government inspection; the Education Department clearly intended this by the notices issued, for they called for full accommodation in the schools and insisted on certificated teachers. The difficulty was, however, to fill the schools when they were built, not alone with those children who would work, but even small children, who did nothing but play and run wild in the roads and lanes. No doubt, education was very much more appreciated than it had been, but still the apathy of some parents was very great; they had little or no education themselves in many in-

stances, and although they were ready to admit the advantages a good school near them offered, if the subject was brought before them, they were only too apt to pay but little serious attention to it, or they would on the slightest possible pretext be only too glad to take their children from school. It might be said, why not have direct compulsion at once? One reason was, he could not believe it would be found possible to work such a system well—if at all—in a country district; and he had the authority of those who could claim to give an opinion, as well as the result of his own experience, to justify him in saying so, whatever might be done in a town with such a system. It could not, certainly, be worked without a great deal of interference—if not entire control—from some central authority. This he particularly objected to. Then with any system of direct compulsion they had the greatest difficulty of all to get over—the effect upon the earnings of the children; whereas the system proposed would act in a slight degree in this respect, but only to so small an extent as to create an incentive to comply with the Act. Direct compulsion was surely not required in this case, for where a constant interest was taken in a school now, it was pretty well filled. This showed that a slight pressure would, probably, do all that was necessary at the present time. If so, it must be better than driving children to school by direct compulsion; it would be a less interference between the parent and the child; and would act far less harshly in the case of a large and poor family, where sometimes a child's earnings were of very great importance. Education, too, was as much required in this as in any other branch of the subject; he meant, to lead on by degrees all who were concerned to a real, a sound, and a lasting appreciation of the advantages of education. He (Lord Henniker) wished to introduce one or two Amendments. One was to make the limit of age 12 instead of 13, once more. He thought it was going far enough. The limit of age at present in the Bill would act hardly, and unnecessarily so, in many cases, where the limit of 12 would not. A difficulty in arriving at a fixed limit of age appeared here, which did not appear in dealing with children employed in manufactories and workshops, for children were seldom

employed at an age in agriculture where their health would be injured. There were no hardships in this respect except where children worked in a gang. However, the Bill altered the age laid down by the Gang's Act from 8 to 10, at which a child was allowed to work. Different circumstances in different localities make it difficult to decide upon the right limit as to age. In one place 7 or 10 was the lowest age at which children were employed; at another 11 or 12, while in others 12 or 13 was the earliest age at which children were useful—namely, where they were required for ploughing, and so on. Mr. Fraser—now a right rev. Prélate, a Member of the House—saw this difficulty in making his Report as a sub-Commissioner to inquire into this question. Then it was said children ought to be trained in the habits of work early, but here again they had the evidence of labourers before the same Commission, which proved that 12 or 13 was quite early enough to give ample time to learn all that was required. Mr. Tremeneere, one of the principal Commissioners, said in his Report—

“The principle which I desire to keep in view in the consideration of this complicated and difficult question is that legislation should conform as nearly as possible to the existing habits of the country, and should interfere with those habits only to the extent indispensable to the objects to be attained.”

This object was attained by this Bill, if it were put back to its original form, for it would take a middle course between the age laid down by the Factory Act, and that wished for by those who thought the Bill went too far, and with the indirect system proposed it would act fairly in most districts. Twelve was an age at which children could have learnt a great deal, and would be quite late enough to keep them at school in most cases, and particularly where a night school existed. It would be a great point, too, to be able to work the Act without paid Inspectors. This he believed to be possible if the age were not put too high. Employers, as a rule, and especially large employers of labour, had been extremely liberal in helping to build schools, and he believed they would do all they could, within reasonable limits, to try to fill them. However, if Inspectors were, after a time, required, the promoters of the Bill would willingly come to Parliament for power to appoint them.

*Lord Henniker*

A clause would be brought in, as an alternative, to meet the wishes of many who took an interest in the question, to provide for a certificate of proficiency, that any child who could pass the fourth standard of the Education Code should be exempt from the restriction imposed by the Act. He (Lord Henniker) thought regular attendance at school far more important, but he would bring the clause forward for the consideration of their Lordships. The clause would also suspend the operation of the Act whenever a school was closed for a holiday or for any temporary purpose. Many thought the Bill went too far—many not far enough. He would say to those who thought the Bill went too far, agricultural children were the only wage-earning children who were not subject to restrictions, and each day, when labour was becoming dearer and more scarce, they would require labourers better educated and more skilled. To those who thought the Bill did not go far enough, he would say, bring forward a more workable plan, and if they thought it did not go far enough, at all events they would admit it was a step in the right direction. He must thank their Lordships for listening to him so long—the importance of the subject must be his excuse. He had always wished for such a measure; he thought the opportunity had come, and he trusted the Bill would be read a second time. He believed it would create a great change for the better, without any real hardship or injury to any one; that it would be found to be all that was required, and that it would work well. He hoped most sincerely it might help to teach those who cared little now for education, how much it meant, and to show how little any small sacrifice either employer or employed might be called upon to make was, in comparison to the good effect a sound system of education must have, at a time when each day the class which this Bill particularly affected, required more and more to understand the questions which came nearly home to them, and when so many were ready to trade upon their ignorance.

*Moved, “That the Bill be now read 2<sup>d</sup>.”*  
—(*The Lord Henniker*).

VISCOUNT PORTMAN said, he did not object to the principle of the Bill, but he thought it was imperfect in a great

many particulars, and on looking through the various clauses he found reasons for regretting that the Home Department did not exercise a more careful supervision over measures such as this. The noble Lord having criticized some of the provisions of the Bill, said, he thought it would be impossible to carry it out in its present shape, and, therefore, he hoped that the noble Lord who had charge of it would agree to refer it to a Select Committee.

THE DUKE OF RICHMOND said, he felt bound to say a few words on the subject—particularly after the observations of the noble Lord who had just sat down. There was no one in that House whose opinion he valued more on matters relating to the welfare of the agricultural classes; but he confessed he was extremely disappointed at hearing the conclusions to which his noble Friend had arrived. His noble Friend said he defied any one, on looking at this Bill as it stood, to carry it into operation. He (the Duke of Richmond), however, without being presumptuous, thought he could readily undertake to carry out its provisions without doing injustice to any one. As to what his noble Friend had said about the want of supervision on the part of the Home Office in respect of legislation such as was proposed by this Bill, he could not concur in thinking that it was needed in this instance. He was not the champion of the Government—he had something else to do—but he did not think the supervision of the Home Office would have done much to make this a better Bill. As for the principle of the Bill, he did not think that anybody would deny that it was just and wise that the Legislature should endeavour to secure a better education for the children of the agricultural classes; and he thought its general provisions excellent. But he was glad to hear his noble Friend (Lord Henniker) who had charge of the Bill intimate his intention of making some valuable alterations in it respecting the employment of children in gangs; and he thought this Bill would be an excellent one when the Amendments sketched out by his noble Friend were introduced, and some further provisions introduced to meet the exigencies of harvest time and hop-picking. Although there was no doubt that the children employed in the fields enjoyed much better health than those

engaged in factories, nevertheless he did not think it right that they should be kept employed at all times and at all seasons, and for himself he made it a rule not to give employment to children under a certain age. He thought the alteration his noble Friend proposed that children who had attained a certain proficiency should not be subjected to the restrictions imposed on other children, but might continue to follow their agricultural employment without interruption, was a great improvement. In some districts the employment of children was absolutely necessary, and he had no desire that obstacles should be thrown in the way of their being so employed, but he thought the promoters of the Bill would do well to consent to such alterations and additions as would remove the possibility of such obstacles. He believed that with these alterations their Lordships might very well assent to the measure, which he thought with due consideration in Committee might be turned into a very useful one.

THE EARL OF SHAFTESBURY hoped their Lordships would not refuse to give this Bill a second reading, seeing that it was almost identical with the one which he introduced in 1867, and to which their Lordships gave a second reading in the Session of that year. He did not press that Bill in Committee, because there was a prevailing opinion that it was one which the House of Commons would not pass. The fact that legislation on the subject was attempted in their Lordships' House in 1867 showed that the House of Commons had not a monopoly in originating measures for the amelioration of the condition of the working classes; but as the House of Commons had come round to their Lordships' view of the matter in 1873, he thought it would be most unbecoming if their Lordships were also to turn round and refuse to do in 1873 what they had done so long ago as 1867.

THE EARL OF KIMBERLEY said, he should be sorry to be understood as pledging himself to every detail of the Bill, but he thought the House would do well to assent to the second reading of this measure, the objects of which every one must approve. He thought the Bill required a clause exempting children above the age of 10 years from attendance at school if they passed a satisfactory examination. As there was such

a provision in the School Board Act, it would be an inconsistency on the part of the Legislature not to allow of it in this Bill. It was high time to take steps to secure a better education to children engaged in agriculture; and the present was a favourable time for taking measures in that direction, because the general rise in wages would obviate some of the difficulties that might arise from the loss of the children's wages.

THE MARQUESS OF SALISBURY concurred with the noble Earl that there was no difference as to the principles of this Bill—the only question was as to the time and the manner of passing such a Bill as this; and he could not concur with the noble Earl in thinking the present, when the labour market was so much disturbed, was an opportune time for legislation which would increase the difficulty of the farmer in procuring the labour necessary for the cultivation of his land. Many farmers were depending very much on children to get them through their difficulties, and he was afraid that unless the provisions of the Bill were well guarded they would increase these difficulties in procuring the necessary labour at times when their most pressing work had to be done. Therefore Parliament, while making provision for the better education of children in the agricultural districts, ought to take care it did not still further hamper the farmer, and turn the labour-market still more against him than it was at present. He should have preferred to wait till the labour-market was more settled. Some of the clauses moreover would press hardly upon the poor, and their Lordships ought not to unnecessarily intensify the dislike of the farmers and labourers to national education. As the Bill stood, a boy could not be employed unless he had been at school so many times in the previous year. Suppose he had been ill, and a serious source of expense to his poor parents during the previous year, the effect of such a provision might be to prevent him from earning money when his parents most wanted it; when, in fact, every penny that any of the family could earn was of importance if the family was to be kept out of the workhouse.

THE DUKE OF CLEVELAND thought it would be unwise to delay the passing of some such measure as this the operation of which he believed would be very

beneficial. He thought that Clause 8 required to be very much modified.

THE MARQUESS OF BATH said, it was of more importance that people should be fed than that they should be educated. If this Bill would not restrict agricultural labour it would be useless, while if it did restrict it the productiveness of the land would to that extent be diminished, affecting farmers in the first instance, but ultimately the whole community. He knew a village with a population of 1,000 where £150 was annually paid for the labour of boys under 18 years of age, their wages being 3s. or 4s. a week, and showing every tendency to rise; and while labourers often spent a large portion of their earnings at the public-house, children took theirs home to their mothers—so that on this 3s. or 4s. a week it might depend whether the family were well fed and clad or otherwise. Children were more healthy at work in the fields than shut up in school, and at a time when rates were high and labour was dear, it was undesirable to increase the difficulties of farmers. He thought the tendency of the Bill would be to deprive farmers of the labour they needed, and the poor of the wages necessary to their subsistence and comfort.

THE EARL OF HARROWBY pointed out that the indirect compulsion aimed at by the Bill would be less elastic than the direct compulsion enforced by school boards, whose bye-laws permitted the employment of children in cases where local circumstances rendered it expedient.

EARL NELSON considered that the Bill was not opposed to the interests of the farmers. He would refer their Lordships to the Petition he had that day presented from the Synod of the diocese of Salisbury praying that the Bill might pass. The Synod comprised lay representatives elected from the different parishes. Two principal tenant farmers, in supporting a Petition in favour of the Bill stated that they had no wish to employ children at a very early age. The parents would be compensated for the loss of their children's earnings if the Bill in its general application greatly checked the employment of children by the increased value of adult labour. But even if the parents did now receive a temporary benefit from the employment of their children at an early age, the children themselves must be injured by being debarred from high

wages in after-life. For the intelligence gained from education was the surest means of obtaining a real and permanent rise of wages and position. In all cases where the Bill had been carefully discussed, the conclusion had been arrived at that it would prove a great boon to the children, and as it was very carefully guarded, to the parents and employers also.

THE EARL OF CARNARVON said, no doubt the Synod of the diocese of Salisbury had petitioned, as the noble Earl had stated, in favour of the Bill. Now, Synods were very well fitted to deal with matters within their own proper province, but he could not understand what interest they had in a question of this sort.

LORD DYNEVOR observed that a compulsory law might inflict serious injury upon poor parents in agricultural districts. It should be remembered that there was a great deal of difference between children working in the open air and in mines or factories.

LORD REDESDALE said, it was provided by the 2nd clause that the Bill should not extend to Scotland or Ireland. He could not see why, if it were good for this country, it should not apply to all parts of the United Kingdom.

LORD NAPIER AND ETTRICK said, he did not think that the state of the labour market furnished any reason against passing the Bill at the present time; and it certainly was not likely that the wages of agricultural labourers would ever be less than they were at present. He thought, on the contrary, it was most desirable to pass the Bill now, for it would promote the interests of the children and the general spread of education, without so far as he could see producing any injurious effects whatever.

Motion agreed to; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Thursday the 19<sup>th</sup> instant.

#### ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (NO. 5) BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for the parish of Llanelly, Carmarthen, to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same—Was presented by The LORD PRIVY SEAL; read 1<sup>st</sup>. (No. 142.)

#### ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (NO. 4) BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for the parish of Llanrwst to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same—Was presented by The LORD PRIVY SEAL; read 1<sup>st</sup>. (No. 151.)

#### ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (NO. 6) BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for the parish of Merthyr Tydfil to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same—Was presented by The LORD PRIVY SEAL; read 1<sup>st</sup>. (No. 162.)

House adjourned at half past Seven o'clock, to Thursday next, half past Ten o'clock.

### HOUSE OF COMMONS,

Tuesday, 10th June, 1873.

MINUTES.]—SELECT COMMITTEE—Navy (Promotion and Retirement), appointed; Boundaries of Parishes, Unions, and Counties, Mr. Ridley discharged, Mr. Cawley added.

PUBLIC BILLS.—Second Reading.—Innkeepers Liability \* [49], *negatived*; Education of Blind and Deaf-Mute Children [53], *negatived*; Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3) \* [183]. Committee—Rating (Liability and Value) \* [146]

—R.P.

Withdrawn—Salmon Fisheries (No. 2) \* [60].

The House met at Two of the clock.

#### REGISTRATION OF BIRTHS AND DEATHS BILL.—QUESTION.

MR. W. H. SMITH asked the President of the Local Government Board, If any estimate has been made of the increased charge upon the local rates which will result from the provisions of the 26th and the 28th sections of the Registration of Births and Deaths Bill; and what that charge will be?

MR. STANSFELD, in reply, said, Section 26 would involve an additional charge of £9,877. Section 28 was for the provision of Register Offices, and he found that they were almost universally provided already. He might add that



he had received deputations with reference to the money clauses of the Bill, and that he was not prepared at present to say by what figures he would abide. He should make a short statement on the subject before going into Committee on the Bill.

#### LAW OF CONSPIRACY.—QUESTION.

Mr. VERNON HARCOURT asked the First Lord of the Treasury, Whether the Government will be willing to afford such facilities in respect of time as may make it possible to pass a Bill, during the present Session, to remedy the defects of the Law of Conspiracy as applied to Trade Combinations, and the relations of Master and Servant?

Mr. GLADSTONE: I can say on the part of the Government we shall look with favour and goodwill upon any attempt made by the hon. and learned Gentleman to remedy the Law of Conspiracy, whether it be in the present or in the coming Session of Parliament. If, however, my hon. and learned Friend should think it desirable to go forward with the subject during the present Session, I can further say we shall have every desire to afford him facilities; but these facilities must depend on the nature of the Bill, and the objects for which it is framed. Consequently, I cannot give a more positive answer until we see the Bill.

#### MERCANTILE MARINE—DANGER SIGNALS.—QUESTION.

Mr. HANBURY-TRACY asked the President of the Board of Trade, Whether his attention has been called to the "danger signals at sea" recommended by Admiral Sir William Hall; and, if so, whether he proposes to carry out any experiments with the view of seeing how far it might be advisable to adopt them generally in the Mercantile Marine?

Mr. CHICHESTER FORTESCUE, in reply, said, that his attention had been called to the signals in question, but he was bound to add that they were a form of signal of which it would be impossible to require the general and compulsory adoption. He had further to state that he was perfectly willing the signals should be tried among the experiments with respect to ship lights which the Board of Trade was now carrying on at Shoeburyness.

*Mr. Stansfeld*

#### CHINA—COOLIE TRADE, MACAO.

##### QUESTION.

SIR CHARLES WINGFIELD asked the Under Secretary of State for the Colonies, Whether he will lay upon the Table Copies of the Despatch of the Secretary of State for the Colonies to the Governor of Hong Kong directing measures to be taken to prevent the fitting-out of ships at Hong Kong for the Macao Coolie Trade, and of any other Papers on this subject?

Mr. KNATCHBULL-HUGESSEN, in reply, said, it had been found that the provisions of the Act of last year could not be entirely adopted in the case of Hong Kong, and some Correspondence was going on with regard to it. As soon as that Correspondence had closed there would be no objection to lay the whole of it on the Table.

#### VISIT OF THE SHAH OF PERSIA.

##### QUESTION.

Mr. BOWRING asked the Under Secretary of State for Foreign Affairs, Whether he can furnish the House with the names of those gentlemen who have been selected by the Government to attend on the Shah of Persia during his approaching visit to this Country?

VISCOUNT ENFIELD: Sir, Major General Sir Henry Rawlinson, formerly Minister of this country in Persia; Colonel Sir Arnold Kemball, formerly Consul General at Bagdad; Major Byrne, Oriental Aide-de-Camp to the Secretary of State for India; and Captain Grey have been appointed by Her Majesty's Government to proceed to Brussels and accompany the Shah to England and attend on him during his stay in England. In England a Lord-in-Waiting, an Equerry-in-Waiting, and a Groom-in-Waiting will attend upon the Shah on behalf of the Queen. Moreover, Mr. Ronald Thomson, late *Chargé d'Affaires* at Teheran, and Dr. Dickson, Physician to the Legation at Teheran, have accompanied the Shah at his request from Persia.

#### PARLIAMENT—COMMITTEES OF THE HOUSE—DIVISIONS.—QUESTION.

Mr. HERMON said, he wished, as morning sittings had now commenced, to ask the First Lord of the Treasury, Whether he cannot make some arrange-

ment by which Members of Committees upstairs will be afforded a little more time to reach the House from the Committee Rooms, so as to be able to record their Votes on the Amendments on the Bills which may happen to be under discussion in the House?

MR. GLADSTONE, in reply, said; that he had had no opportunity of looking into the subject. He was afraid the inconvenience referred to was due to the magnificent proportions of the building in which they were assembled, which appeared to him to have been devised with a regard to other purposes than the transaction of business. He was sorry to add that he could not suggest a remedy for the inconvenience; but if on any special occasion the matter were brought under his notice, he should, so far as he was able, endeavour to meet the hon. Gentleman's wishes.

RATING (LIABILITY AND VALUE)  
BILL.—[BILL 146.]

(Mr. Stansfeld, Mr. Secretary Bruce,  
Mr. Goschen, Mr. Hibbert.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,  
"That Mr. Speaker do now leave the Chair."

MR. SCOURFIELD rose to move the Amendment which had been put upon the Paper by the hon. and gallant Member for South Wiltshire (Captain Grove)—namely, that the Order for the Committee be discharged, and that the Bill be committed to a Select Committee—but which had been yesterday withdrawn from the Notice Paper. He entertained so strong a feeling of the injustice done to the ratepayers of the country, and of the want of a fair interpretation by the Government of the Resolution of the hon. Member for South Devon (Sir Massey Lopes), that he would take every opportunity of obtaining the fullest discussion of the proposals of this Bill. The people of England were divided into two classes—those who paid rates, and those who did not pay them; and not only were those who paid rates unduly burdened, but those who did not pay rates lost no opportunity of accumulating upon those who did every possible amount of additional expense. Since the Resolution of last year, not a single

step had been taken to diminish the amount of the rates, but they were threatened to be largely increased for educational and sanitary purposes. An increase in the rates of 3*d.*, 4*d.*, 5*d.*, or even 6*d.* was thought nothing of by those who did not pay them, although, were the Chancellor of the Exchequer to attempt to raise 2*d.* in the pound in order to meet some financial exigency, it would be fatal to the Government. The inflation of the rates was due to the action of Commissioners and Inspectors of various kinds who were always ready to be charitable and benevolent with other people's money. He wished to know what prospect we had of our rates being diminished by the action of the present Government. The Prime Minister, on two separate occasions, in his memorable address at Liverpool and recently at the Literary Fund, had entered into elaborate calculations to show the vast increase that had occurred in our national wealth in the course of the last 80 or 90 years. But the ratepayers at large said that they had not participated in this prosperity, and they complained of the tendency there was at the present day to increase the rates. Neither the magistrates nor the Board of Guardians were open to the charge of extravagance in dealing with the rates, and every attempt on their part to exercise due economy was met by those who did not pay rates with an outcry against their parsimony. On the part of the ratepayers he objected to such an enormous mass of property being exempt from the payment of rates. The House had been told that it was intended by this Bill to abolish all invidious exemptions; but the first exemptions to be done away with were those of hospitals and ragged schools. Petitions had been presented from all parts of the country, showing that the general feeling was against the abolition of such exemptions as these, on the ground that either these institutions would suffer, or else that the deficiency in their income caused by their being subjected to rates, would have to be made up by the very few persons who supported them. The hon. Gentleman concluded by moving the Amendment.

COLONEL BARTTELOT, in seconding the Amendment, said, he thought his hon. Friend had done good service in bringing the Amendment before the

House, because the right hon. Gentleman at the head of Her Majesty's Government always taunted the Members on the Opposition benches if they did not take those legitimate opportunities which were at their disposal of discussing, and discussing fairly, any great question of this kind. But he was surprised at the course taken by the hon. and gallant Gentleman the Member for South Wiltshire (Captain Grove), who, he should have thought, would have taken warning by that speech of the Solicitor General the other night in which he asked what was the meaning of "gallant" or "learned." He (Colonel Barttelot) always thought that "gallant" at any rate meant sticking to a point, and that the word could not properly be applied to a deserter. The hon. and gallant Member for South Wiltshire, therefore, no longer deserved the name of "gallant," but his hon. Friend (Mr. Scourfield) was gallant because he had stood in the breach and was ready to perform the duties which the hon. and gallant Member for South Wiltshire had failed to perform. He should like to know what the constituents of the hon. and gallant Member for South Wiltshire thought of the conduct of their Member, who, after he had given Notice of an Amendment, suddenly disappeared from the scene, and who, so far as he (Colonel Barttelot) on looking round the House could ascertain, was not present even for the purpose of vindicating his abandonment of the Notice he had given. Although the right hon. Gentleman at the head of the Local Government Board had told the House that he was beset with difficulties with reference to the mode in which mines, woodlands, shooting, and fishing were to be rated, it was his duty to have placed before the House what his notions were on those matters. There was scarcely a Bill introduced by the Government which did not propose some new charge on the local rates, and he did not know where they were going to lead to. Although the Local Government Board disavowed any wish for centralization, the fact was that in everything that was now done in local matters centralization was becoming more complete, and far heavier burdens in respect of union workhouses, gaols, lunatic asylums, &c., were put upon localities than those which would have been put upon them if the local authorities had been

allowed to administer their own affairs. He (Colonel Barttelot) had never gone so far as some people in regard to the relief of local taxation; and if either the Premier or the right hon. Gentleman (Mr. Stansfeld) would say these two Bills were simply the outwork of some great scheme which was to be for the general relief of the whole of this country, then he (Colonel Barttelot) would enter upon the discussion of these two Bills heart and soul. But if they declined to show what remained of, to adopt the phrase of the right hon. Gentleman (Mr. Stansfeld), that garment of which these measures were the mere fringe, and which fringe might be torn away at any moment, he thought the Government were not entitled to ask the House to proceed to discuss these Bills.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"—(Mr. Scourfield),—instead thereof.

MR. PEASE reminded the House that this was a Bill for bringing in property which was now exempted from rating. He thought it essentially an equitable Bill; but he hoped that before proceeding with it they should have a pledge from the Government that they would go on with the second Bill. The owners of mines were also entitled to know on what principle the rating of mines would be carried out. In consequence of his not knowing whether the Government intended if possible to proceed *pari passu* with the two Bills, he had experienced some difficulty in framing the Amendments of which he had given Notice. The Bill placed the House in an unfair position with regard to the rating of woodlands, game, and mines, Her Majesty's Government not having given a single indication of the course they intended to take. There was hardly a lead mine in Durham that was doing more than paying its working expenses, and numbers of the men were leaving them and going to the collieries. In Cornwall hundreds of fine young men were also leaving the country on account of the depressed condition of the mining interest. He believed that hospitals were rated to the poor; but now hospitals, private hospitals and convalescent homes did a great deal more good than ragged schools; and there-

fore he thought the Bill would operate beneficially in withdrawing this exemption. He wished to know, whether the Government would, so far as it was in their power, proceed with both of the Bills this Session?

MR. GLADSTONE said, the Government intended to press forward both the Bills on this subject. They had, if not a vital, at all events a very close connection, and the Government thought it would be quite possible to pass both measures in a satisfactory shape during the present Session. With regard to the Motion that had been made, he thought it was a serious matter for the hon. and gallant Gentleman who seconded it (Colonel Barttelot) to criticize the personal conduct of the hon. and gallant Member who originally gave Notice of it (Captain Grove), and especially with regard to the question of *bona fides*. He fully admitted, however, that the hon. Member for Pembrokeshire (Mr. Scourfield) was perfectly justified in making the Motion without Notice when he found it was about to be withdrawn. The speech of the hon. Member was the best justification of the course taken by the hon. and gallant Member for South Wiltshire (Captain Grove); because, except at the close, it had no reference whatever to the Motion itself, because it was a speech founded entirely upon the objections which the hon. Member entertained to the general conduct of the Government. Such a speech, in strict consistency, should have been followed by a Motion censuring the Government or proposing the rejection of the Bill. If the Session were prolonged to one of considerable length, there might be time to dispose of the Bill after it came down from the Select Committee. But, in the case of such a measure, the labours of no Select Committee could dispense with the necessity of considerable discussion in Committee of the Whole House; and the result of the Motion—probably, indeed, its object—was to delay if not to defeat the Bill. Now, the question was whether a measure, removing exemptions and dealing with the rateability of Government property, was worth having or not. The Government, it was said, ought to have introduced a measure, giving direct effect to the Resolution of the hon. Member for South Devon (Sir Massey Lopes); and they had been charged with disobedience or treason to

the authority of the House in the introduction of these Bills. According to this contention, it was the duty of the Executive Government to obey absolutely and implicitly a Resolution of the House of Commons. Now, in his view that proposition could not be sustained, and it was not to the interest of the House of Commons itself that the proposition should be sustained; for its effect would be to carry the House of Commons beyond its legitimate province, making it the absolute and actual Director of the Executive in a way which would greatly injure the working of the Government. He admitted that when a Resolution had been passed by the House of Commons declaring that it was not the duty of the Government to impose such and such a charge, the Government were bound to obey. But such was not the case here; the question was one of policy, and the Government had gone as far as they could properly go in undertaking to deal with the entire question to which the Resolution related, in the order which appeared to them essential. Do not let it be said, therefore, that the Government had disobeyed the Resolution of the House of Commons. What they had done was to determine that in dealing with the Resolution of the hon. Member for South Devon the natural order of procedure was first to determine the amount and character of property which, according to the spirit and intention of the present law, was liable to bear the burden of local charges. Nor was this an unimportant matter, even in the view of the hon. Gentleman, because the question of Government rateability was itself involved, and financially that question was one of no small moment. He was not then prepared to state the number of millions of real property held by the Government, but it held tens of millions, and it was no small matter to determine in what degree Government property should become liable to charge. The Bill proposed to deal with a variety of questions of exemption; it was most desirable—in fact, there was a unanimous wish—to come to some settlement on the subject. Would not the proposal to send it to a Select Committee render its passing uncertain? It was plain that the proposal was adverse to the purposes of the Government. Was it favourable to the purposes of the hon. Gentleman himself? Decidedly not;

and even if the opposition to the Government's proposals were taken as a distinct intimation that the Resolution of last year should be acted on, it should be remembered that the Government had no means of doing so, because every shilling at their disposal in the current year had been voted away by the unanimous Resolution of the House, for, although there was a debate on the subject, there was no division. What, then, would be gained by obstructing the progress of the Bill? The object of the Government would be thwarted by so doing, and the proposals of the hon. Member for South Devon would not be forwarded. The hon. and gallant Gentleman opposite (Captain Grove) referred to a Bill before them the other night which contained a proposal likely to increase local charges. The hon. and gallant Gentleman would soon have an opportunity of determining whether the Government really wished to treat the Resolutions of the House with respect or not. The Government had considered the point raised the other night by the hon. Member for St. Ives (Mr. Magniac), and hoped to make a proposal which would be approved by the House to prevent them unfairly going to an issue which would complicate subjects already complicated sufficiently. He trusted that the House would consider that the best course to take was to go into Committee on the Bill.

MR. HUNT said, that if he remembered rightly, the right hon. Gentleman, under similar circumstances to those which he now complained, talked of "running away from the gleam of his own arms." The expressions of the right hon. Gentleman had an abiding place in his mind. He (Mr. Hunt) would remind the House that the Government had shown a sense of the necessity for making some change between local and Imperial taxation in 1871, when the present First Lord of the Admiralty made an elaborate statement to the House on the subject. Now, the President of the Local Government Board brought in two measures which he admitted to be incomplete; but excused himself by the plea that he had touched only the fringe of the subject. His complaint, however, was that the proposals of the Government, so far as they touched the fringe of the subject, were incomplete, and that it was necessary to

send the Bills to a Select Committee, that this incompleteness might be corrected. The House was not a fit body to fill in the details of the skeleton measures submitted by the Government. If the Government had laid before the House a proposition of their plan, if they had developed their scheme for the rating of mines, of timber, of game, of fishing, and of Government property, the House might have disensed these points in Committee. But these propositions were laid on the Table in blank. [No, no!] The Government had not laid down the rule on which metalliferous mines were to be assessed, or timber, or game, or fishing; but the whole subject was proposed to be left to the judgment of the assessment committees, who would find themselves totally unable to deal with the questions, and would each deal with them in a different way. This was a matter which Parliament ought to take upon itself, for it was certain uniformity would not be secured in any other way. The right hon. Gentleman had said that if they were to refer the Bill to a Select Committee they would run the risk of defeating it. Well, for his own part he did not think it possible that the Bill could assume so complete a shape this Session as to pass into law, and therefore he had no objection that the rest of the Session should be occupied in trying to improve it, and then let it form a portion of the complete scheme of the Government next year, so that the House might have before it not only the fringe but the whole garment. He believed that more progress would be made in a Select Committee than in a Committee of the Whole House, and he therefore trusted that the Government would agree to the adoption of that course.

MR. GOLDSMID said, there was one good thing in this poor little Bill, and that was that it brought under rating Government property which had not hitherto been reached. This would relieve some districts from heavy local charges on account of the large agglomeration of Government property; but the method of rating it proposed was most unsatisfactory, for it was provided by the 7th clause, that the Treasury—the most parsimonious Department of the Government—should settle for itself how much it should contribute. If the locality was not satisfied with the amount of the contribution, what

*Mr. Gladstone*

was the remedy? Why, it was to be put to the serious expense of coming before a Committee upstairs. But the locality might reasonably say that the expense was certain, and the result of an inquiry before a Committee uncertain, and therefore might think it better to put up with a wrong. The proposal in Clause 7 was therefore unfair, and he hoped the House of Commons would never adopt it. He was glad that mines, game, and underwood would now be rated; but the Government did not tell the House in what way this was to be done, nor did they appear to have formed any plan on the subject. On the contrary, as before in the case of the Education, the Government remitted the difficult part of the question to the local committees, the result of which would be that before long the House of Commons would be loudly called upon to provide a remedy for the evils which would be sure to arise. They ought, therefore, to call upon Her Majesty's Government to prepare some scheme by which the assessment might be regulated, which should meet with the general acceptance of the House. Nothing conferred a greater benefit on the poor or really relieved the rates more than a hospital, and therefore he would be glad to see all hospitals exempted from local rates. He was also opposed to the rating of ragged schools; and he should never be a party to any measures which should impose rates upon two such institutions. With respect to the proposition for referring the Bill to a Select Committee, if he thought that the Committee would prepare a good scheme he would assent to the Amendment; but looking at the way in which Committees were nominated, he doubted the wisdom of adopting such a proposition. If the Government would declare their readiness to prepare a scheme the necessity of sending this Bill to a Select Committee would be altogether avoided, and if they would adhere to their declaration not to throw any additional burden on the local rates they would avoid a good deal of the opposition which they would otherwise have to encounter.

Mr. PELL observed, that scarcely a single word had been said in favour of the Bill, which was admitted on all hands to be a most imperfect scheme. He was not prepared to adopt the suggestion

which had been thrown out with reference to the preparation of a scheme by the Government in preference to the Motion for sending the Bill to a Select Committee. He thought they ought to have some clearer enunciation from the Government of the principle on which mines were to be rated before proceeding further with the Bill. He did not conceive that the steps suggested by the Government would really lead them to the conclusion at which they ought to arrive in reference to the adjustment of local and Imperial taxation. In his opinion, the Valuation Bill should be considered before they came to the other branches of the subject; and many questions connected with the rating of Government property required to be examined. Many Members on the Ministerial side were dissatisfied with the way in which that Bill had been brought in and explained, and he saw no reason why they should not support the moderate proposal for referring it to a Select Committee.

SIR JOHN LUBBOCK said, there was one question involved in the Bill which had not yet received the attention it deserved—namely, the effect of the clause introducing the rating of timber. In considering this question, it was necessary to ask whether the quantity of woodland was undesirably large or not? There could be no doubt that the effect of the Bill would be to encourage the removal of timber. Mr. Clutton, a very high authority, in a letter to him, said—

"If timber is rated it will certainly cause a large quantity to be removed; and so large a quantity has already been removed for cultivation that I think it most impolitic that a further impetus should be given to the present rate of destruction."

There could be no doubt that in other countries great changes of climate had followed the destruction of forests. Many long-civilized countries now suffered greatly from drought owing to that cause. Now, what was our position in that respect? Russia had 39 per cent of her surface underwood; Prussia, 28 per cent; France, 16 per cent; Switzerland, 15 per cent; Great Britain only 2 per cent. Dr. Hooker, who had had the opportunity of studying that question in the East, wrote to him that he "should regard any general measure that would interfere with the remaining woods of England as a very hazardous one." No doubt it

was true that this country, from its insular character and from the neighbourhood of the ocean, was in a peculiar position; but had they any great advantage to gain from running that risk? The difficulties of rating timber were great, and the questions it would raise very intricate. In the letter from which he had already quoted Mr. Clutton said—

"I do not think the increased rateable value to be obtained by rating timber is worth the expense and trouble which will be necessarily incurred."

He also confessed he should deeply regret any measure which caused the destruction of the fine timber which was so great an ornament to this country. He must also express his concurrence in the remarks of the hon. Member for Pembroke (Mr. Scourfield) with reference to the rating of literary and scientific societies. He trusted Government would not press that proposal, for surely the very trifling relief of rates to be obtained would be dearly purchased by the discouragement of scientific and literary pursuits.

MR. CLARE READ observed, that everyone who had looked over the Bill must consider it a mere skeleton, and that a Select Committee was the proper authority to put flesh upon it. It appeared, also, to be almost a direct contradiction to the Bill that would follow it, which provided for uniform deductions in order to arrive at the rateable value. There they had a Bill which brought into assessment a large portion of property which did not now pay rates, and did not lay down any principle on which that assessment was to be founded. The Government had issued an edict "Let woods, game, and mines be rated," and they expected them to be forthwith justly and equally assessed. The hon. Member for Maidstone (Sir John Lubbock) had referred to the case of woods. If they got rid of woods they could not get rid of the land, which must produce something, and that something was liable to be rated. Whether it produced mutton or wheat, the effect of rating was, no doubt, a considerable burden on the production of the necessities of life. He had been that morning at a meeting of the Chamber of Agriculture, at which these Bills had been discussed; and although the Chamber cordially agreed that mines, planta-

tions, growing timber, fowling, shooting, sporting, and fishing should be assessed; yet it also said that, in the absence of all principles on which they were to be assessed, they would unsettle everything and settle nothing, and produce such irregularity and variety of assessment as would lead to endless litigation and expense. He would much rather discuss Amendments in a Committee upstairs, composed of practical and business men, than in a Committee of the Whole House, and he therefore cordially supported the proposal to refer the Bill to a Select Committee.

CAPTAIN GROVE said, he wished to explain that previous to the Recess he had been asked to take action with regard to the Bill, and that he had, accordingly, placed a Notice on the Paper for its reference to a Select Committee. He was at the time strongly of opinion that the adoption of that course would result in making it a much more satisfactory measure; but when he went down to the country some 10 days ago, he had an opportunity of consulting many gentlemen who took an active part on assessment committees in Wiltshire, and he found they thought that the Bill might very well be modified in Committee of the Whole House, and that to refer it to a Select Committee would in all probability be to shelve it for the present Session. That being so, he had on his return to town consulted with the hon. Baronet the Member for South Devon (Sir Massey Lopes), and other hon. Gentlemen who were anxious that he should persevere with his Amendment, but he found that other Gentlemen with whom he communicated were of a different opinion. That being so, he had given Notice at the earliest opportunity, that he wished to withdraw the Amendment, so that any other hon. Member who desired to do so might take up the matter. He admitted that the Bill was very imperfect; but if the Government would meet them in a fair way, he thought they might still make it a very good Bill in a Committee of the Whole House. As regarded woods, he knew that in many parts of his county trees were constantly planted for no other purpose than to shelter the land, and were utterly valueless as far as producing an annual return, but inasmuch as through the shelter they afforded the land, the adjoining fields were more

productive and consequently were rated higher than they would be without this shelter, it would be unfair to rate such timber separately, as it already indirectly paid rates, and he thought they were entitled to know upon what principle it was proposed to rate that kind of property.

MR. FLOYER said, the hon. and gallant Gentleman had, no doubt, a perfect right to change, and had probably very good reasons for doing so. Looking at the question on its merits; however, he thought it desirable that the Bill should be referred to a Select Committee. As things at present stood, the principle upon which property was rated to the poor and other rates was perfectly clear and had been acted upon. That state of things the Bill proposed to alter, and if the House went at once into Committee it would have no guide to go by, for the right hon. Gentleman at the head of the Government had laid down no principle on which the assessment committees should proceed, except with respect to Government property. Now, that that property should be rated was perfectly proper; but what he complained of was that the House was left at sea in the case of all other property, so that there being as many as 619 assessment committees, each would be left to take its own line as to the principles on which those various classes of property were to be assessed. What a puzzle would thus be created for the Judges who were the interpreters of the law, and who would have no fixed rule to guide their decisions. As to the taunt that those who wished to refer the Bill to a Select Committee sought to delay its passing, he would only observe that the more haste the less speed, and that the House would be the more likely to get on the faster with it if they knew where they were going. He, for one, had no wish to delay the Bill; but the Government ought to indicate the principles on which they meant to proceed, or admit their inability to do so. It was useless to proceed with this measure in the hope that on some future occasion the Government would see fit to make a declaration of their intentions on this subject. If material alterations were to be made in the Bill, they should be introduced when the measure was before a Select Committee and not in Committee of the Whole House. Under these circum-

stances, he should support the Amendment.

MR. WYKEHAM MARTIN said, he thought a Select Committee would be a most unsuitable tribunal before which to send a measure of this kind, because unless the Whip was certain which way the Member would vote, he took care that he was not placed on the Committee. Consequently, the vote of every Member might be predicted with almost absolute certainty, and the consequence was that the Report was carried by the casting vote of the Chairman, and it was treated as a nullity by the House. He recollected an instance in which the Chairman of a Select Committee, after speaking for a considerable time, ceased directly two Members of his way of thinking came in, and said he should not trouble the Committee with any further reasons, whereupon the late Mr. Graves said—"Your other reasons have just entered the room."

SIR RAINALD KNIGHTLEY said, that by this Bill the Government had recognized the right of the owner of the soil to the wild uncaptured game on his land for the first time; but if game was to be rated as property it must be protected as property. The Game Laws greatly required to be placed on a more satisfactory footing, for it was absurd to treat tame pheasants, bred by their owners, as private property when they were slaughtered, but as "savage wild beasts" when living, if they happened to stray from the place where they were bred into the neighbouring woods and copses. He should like to hear from the Government whether they proposed to place the Game Laws on a better and more sensible footing.

SIR HENRY HOARE said, he should vote for referring the Bill to a Committee of the Whole House, because he did not think it was desirable that its progress should be any farther delayed; but, at the same time, he thought that some declaration should be made as to how woods were to be rated. It was hardly fair to rate them as a source of income the moment they became productive, when for perhaps 50 years before they had been nothing but a source of expense. Country houses also could hardly be treated as a source of income, when, as was frequently the case, they were a large source of expenditure—indeed, in many cases it cost a man



several hundreds a-year not to live in his country house. He should like to see the definition by Government of the body who were to rate these houses, and an explanation of the manner in which they were to be rated. He thought that a Select Committee was not exactly the body which would clothe this skeleton Bill with shape, and put it into a proper form this year.

MR. CORRANCE said, his objection to the measure was that, by the express opinion of hon. Gentlemen well qualified to form an opinion, it was incomplete, shadowy, and should not in its present shape have been submitted to the House. He could not consent to flinging Bills on the Table of the House in this state. Not only was the present measure incomplete, it was also unjust. The House had lately been troubled with several Bills which resembled this one in their imperfections. Last year the House passed that sanitary measure which Judge Blackburn had said was an unintelligible jumble. He thought the proper course to adopt with reference to this Bill was to submit it to a Select Committee.

MR. BRISTOWE remarked that hon. Members had lost sight of that which was the substance of the Bill. In reading the Bill a second time, the House had given its assent to the principle that properties which had hitherto been exempted should hereafter be liable to be rated. But he did not understand the right hon. Gentleman who had charge of the Bill to say from first to last that he intended to make any alteration in the principle of assessing property; and they must therefore assume that the property proposed to be brought within the area of liability would be assessed upon the basis of the Parochial Assessment Act, until that matter could be dealt with by a future measure. He admitted that when they attempted to apply the Parochial Assessment Act to a tenant who was taking away the *corpus* of the property which it was proposed to rate they were attempting to do that which was inconsistent with the principles of that Act; but it had been done for many years in the case of coal mines, and therefore it was not impossible to apply the same principles to other mines. It seemed to him that the reasonable plan was that the Bill should simply propose to place mines under rating, and leave

it to another time to determine the principle on which the rating should be applied. He thought ragged schools had a fair claim to be exempted from rating; but he could not understand why hospitals, literary societies, &c., should be exempted from rating, and for this reason—the benefit of them was not exactly coterminous with the parishes in which they stood. As to the assessment of Government property, he would leave that to be dealt with in Committee. He was altogether opposed to referring the Bill to a Select Committee, as he felt convinced that the whole subject would be re-opened again in that House, and much valuable time would therefore have been lost.

MR. COLLINS said, he thought the House had taken a wise course in exempting ragged schools; but if there was a good case for ragged schools, there was a much stronger one for public elementary schools. The basis on which such exemptions should rest should be that where any body of persons kept up an institution which saved the ratepayers a large sum of money, they should not be also called upon to pay out of their own pockets for the rates of the district generally. He did not think there was much to be said for the exemption of literary and scientific institutions, which were often little more than middle class clubs. But as the Bill appeared to him at present in a very unsatisfactory shape, he thought it should be referred to a Select Committee.

LORD GEORGE CAVENDISH said, he thought it would be unwise to refer the Bill to a Select Committee, and stand shivering on the brink of legislation on this subject. His experience of referring Bills to such Committees had not been very inviting. The question would be re-opened on the Report, and the same ground would be gone over again. He referred the House to the Reports of the Committees which sat 15 years ago and six years ago on the question of rating mines and woods, where they would find the subject discussed at the greatest length in every possible shape. He thought it impossible for the Government to lay down any principle of assessment which would be generally satisfactory; and it appeared to him that the better plan would be the formation of county or district assessment committees who should lay down a principle to be

recognized in the rating of the district. He was surprised that hon. Gentlemen opposite should not strive to remedy the existing inequality in the rating of mines under a system which, for example, exempted mines worked by a shaft but made liable those worked by a quarry.

MR. LOPES said, the House desired to know on what principle woods and plantations would be liable to rating. Even upon the principle of what was called a hypothetical tenant, it would be difficult for any overseer to make the assessment. But while the Government in 1873 were studiously reticent as to the principle of valuation which would be applied to those properties, in 1871 they were much more communicative, for the Local Taxation Bill then introduced by them provided that where any land was occupied as plantations or woods, the gross value and rateable value should not be less than they would be respectively if such land were occupied for ordinary purposes of agriculture, either as pasture or arable land. That would be a very unjust principle. He had hardly heard a word of praise of the Bill, and should heartily support the Motion to refer it to a Select Committee.

MR. CRAUFURD said, what was complained of was that the Government would not give any indication of the principles upon which they were going to act. Some hon. Members had spoken against referring the Bill to a Select Committee on the ground that it would waste time; but the proposal of the Government involved, according to the Prime Minister, the taxation of millions of property, and therefore it behoved them not to proceed too precipitately. He had supported the second reading because he thought it was right that the property included in it should be rated; but hitherto the question had been discussed as an English one. What he wanted to know was, why there should be the constantly recurring clause—"This Act shall not apply to Scotland or Ireland." Was there no Government property in Scotland? He had himself introduced a Bill this Session, in which he proposed that Government property in Scotland should be rated for the poor rates. In the parish of Canongate, in Edinburgh, seven-eighths of the area was Government property, and more would be accumulated from time to

time in various parts of Scotland. Ayr, for instance, was to be a military centre, and when the depôt was formed, Ayr would be deprived of some of its rateable value. Scotland had a principle of assessment in use in some cases. Woods, for instance, were assessed, according to acreage, at the value of the grazing grounds in the same parish. That also was the rule in Ireland, he believed. In Scotland also they had laid down a rule for rating all game that had a money value. Why should not these rules be considered with a view to the enactment of some plan which should be universal in its application? The Bill so far as it went was admirable; and it would be altogether satisfactory if its details were supplied by a Select Committee. The President of the Local Government Board might submit a scheme to that Committee, which would be far better able to deal with the matter than the House. This plan was preferable even at the risk of postponing the Bill for another year. There was no necessity for haste. Surely hon. Members were superior to the anxiety to be doing something regardless of imperfections. It should be the ambition of Parliament to create good Acts, not merely to swell the Statute Book.

MR. HENLEY said, that, knowing the great soreness and irritability that prevailed upon this subject out of doors, he was surprised that the Government did not avail themselves of the advantage to be obtained through a Select Committee. He was also surprised that they did not seem to consider the time of the House. There were four new principles in the Bill in reference to the kind of things that were to be taxed; and as to three of them, there was not the slightest intimation of the principle upon which it was proposed that the assessment should be based. The subject was full of difficulties, and it could not properly be discussed in the House except at an enormous waste of time. In a Select Committee there could soon be sketched out a plan upon which the rating should be carried out; and this was essential in order that the principle of rating should be uniform in different places. If the House had nothing definite before them, what chance was there of coming to a satisfactory conclusion? They had already had the question of rating mines before them for years; and there would

be equal difficulty in rating game. There was soil where game almost sprung up of itself, and other soil where, do what you would, you could not have it; and how were these different properties to be assessed? He could not conceive that the Government designed to send forth this Bill to the assessment committees without some more definite plan to guide them than it at present contained. If they did, the confusion in the future would far exceed anything which had occurred in the past. A Select Committee would fill in the skeleton plan of the Government, and make the Bill as perfect as possible, which was extremely important when they considered that what was proposed was only part of a much larger subject.

MR. STANSFELD expressed his obligation to the hon. Member (Mr. W. Martin) for his sound and telling argument against the reference of this measure to a Select Committee; and he also thanked the hon. Member for Newark (Mr. Bristowe) for his argument in favour of the Bill. No doubt it was true, as had been said, that a Bill of this kind must produce much opposition, because it touched important interests; and therefore the observations made by hon. Members representing those interests upon the Bill were rather likely to be of a critical than an approving character. The hon. Member for Rochester (Mr. Goldsmid) criticized the clause as to the exemption of Government property from rating. He said that it was extremely unfair that the question of the amount at which such property should be assessed should be left to Parliament, because in this way Parliament would virtually be a judge in its own cause. But there was no choice except that Parliament should be the judge in all matters affecting its own interests. Suppose that Parliament were to adopt the view that Government property should be rated according to the ideas of the local assessment committees, the thing might pass this year; but the question would arise in future years when the Vote for providing the money came before the House. It was impossible, therefore, to divest the House of Commons of the right to judge. The best opportunity for discussing clauses would be found in Committee, and therefore his hon. Friend must be content with some rather general remarks at

present. He was quite prepared, however, to say that he would accept the principle of arbitration which his hon. Friend (Mr. Stone) gave Notice he would propose, provided he was permitted to reserve the freedom not so much of Government as of Parliament and this House. He would therefore place upon the Paper a form of words the effect of which would be to enable Government, through the Treasury or the Local Government Board, as the case might be, to agree, if possible, with the local assessment committees as to the gross and rateable valuation of Government property. He would then propose that, failing such agreement, recourse should be had to arbitration; but the functions of the arbitrator should be to propose a conditional valuation, the values to be inserted in the schedule of a Bill, so that Parliament might have the power of deciding for itself with all the facts before it on the principle and mode of assessing Government property. He had not forgotten the remarks made by his hon. Friend the Member for North Hants (Mr. Selater-Booth), when he said it was a very serious matter to bring all Government property within the area of rateability, and that it was not a subject to be broached in any light, perfunctory, or superficial way. If he had done so, the Government would have been justly condemned at some future time for having tied the hands of the House of Commons without affording it that minute knowledge which the case required. The hon. Baronet the Member for Maidstone (Sir John Lubbock) spoke against the rating of woods and plantations, thinking that the effect of it would be to discourage both the one and the other. But his hon. Friend must have forgotten that according to the law of Scotland this kind of property was rated in that country, and he had yet to learn that hill sides in Scotland were not so well clothed with wood as they were in England. As showing the discursive character of this debate, he had been appealed to by the hon. Baronet opposite (Sir Rainald Knightley) to give his opinion upon the Game Laws, but he must decline to answer that appeal; whilst he denied the logic of the statement that he could not tax game because game was not property. What he proposed to tax was that incorporeal heredita-

ment, the right of sporting, a thing which was already rated in Scotland. The hon. Member for East Suffolk (Mr. Corrance) had referred to a judgment of Mr. Justice Blackburn, alleging that that learned Judge's remarks applied to the Sanitary Act of last year, and arguing that it was a loosely and badly drawn Act. Now, the remarks of Mr. Justice Blackburn had naturally arrested his attention at the time. He had read them carefully, and was prepared to assert that they did not refer to the Sanitary Act of last year, but to the numerous Acts passed during the preceding 20 years, which had undoubtedly involved the law in considerable confusion, and to remove which the Local Government Board had deemed it necessary to prepare a digest of the sanitary laws for the guidance of those who had to apply them. Among the various contributions to the discussion that day the most original was one made by the hon. Member for Boston (Mr. Collins), who, on a Motion for referring the Bill to a Select Committee, proposed entirely to change its character. The object of that measure, and what Parliament and the public had been pressing upon the Government for years, was the abolition of exemptions from rateability. But the hon. Member for Boston desired that they should wholly turn their backs upon that principle and make that Bill positively one for the creation of new exemptions in favour of public institutions generally which had a tendency, morally or materially, indirectly to reduce the rates. He would remind the hon. Gentleman of an observation of Mr. Justice Mellor in a well-known case, to the effect that every such exemption from rates amounted to a forced contribution from all the other ratepayers of the district on behalf of the institution so exempted. Indeed, an hon. Member who spoke early in the debate told them that from a high authority in Manchester he had gathered that they strongly approved the principle of the exemption of useful local public institutions from rating, because, practically speaking, it was the only way of getting the general population to contribute towards them. According to that reasoning, they were practically to put a charge on the ratepayers of a locality in favour of these institutions, whether they approved them or not. The right hon.

Member for North Northamptonshire (Mr. Hunt) had on a former occasion treated the measure with scant courtesy, and characterized it as one which was not quite seriously intended by the Government. That imputation he had felt himself bound to repudiate. But in the present discussion the right hon. Gentleman took a totally different course. He had approved generally of the principle of the Bill, but proposed to refer it to a Select Committee because it was a mere outline which required filling in. The right hon. Gentleman and others urged that with regard to the new descriptions of property intended to be brought under rating he had failed to propound any scheme by which the assessment committees and the Courts might be guided in ascertaining their assessable value. Now what he had done in that respect was not done *per incutiam*, but designedly. The right hon. Member for Oxfordshire (Mr. Henley) appeared to be under a strange illusion, and had spoken of the impossibility of the assessment committees and the Courts of Law dealing with those questions unless Parliament laid down the principles by which the rateable value was to be ascertained. But it was singular that it had not occurred to him that although property of different kinds had been assessed, valued, and rated since the days of Elizabeth, there was not on the Statute Book of this country a single enactment defining the methods by which their value should be ascertained in England. An Amendment had been placed on the Paper by the hon. Member for South Norfolk (Mr. G. Read) in the sense of the Scotch Act in regard to woods and plantations. He had nothing to say against that Amendment if it met with the general concurrence of the House; but it did not call for a reference of the Bill to a Select Committee. He asked how they would be more ready to discuss the measure after it came down from such a Committee than before it went there? As to the right of shooting, he should be prepared to discuss the Amendments proposed on that subject, though he was ready, as at present advised, to defend the clause as it stood, holding that they could only calculate or guess the rent for which such a right would let; and that was the principle by which the assessment committees were guided generally

in ascertaining the value of all hereditaments. With regard to mines, that very question had been considered by a Committee of the House years ago, and that Committee failed to come to a conclusion on so extremely difficult a subject. His hon. Friend the Member for West Cornwall (Sir John St. Aubyn) and others of great practical knowledge had Amendments on the Paper with respect to the rating of mines, and there was no reason why those Amendments should not be discussed. It was possible his hon. Friend might show good reasons why his Amendment should be adopted; but he very much doubted whether, notwithstanding the knowledge on the subject of his hon. Friend the Member for South Durham (Mr. Pease) the House could address itself to the problem of laying down rules with respect to mines of all descriptions, such as were embodied in the proposals which now stood on the Notice Paper. The reason he had proposed to deal with the subject in the manner indicated by the Bill was because it involved great difficulties and complications, and that it was impossible to deal otherwise with it in a Bill which it was intended to pass during the present Session. He now came to the last part of the speech of the right hon. Gentleman opposite (Mr. Hant) who had been perfectly candid, for he had admitted that if the Bill were referred to a Select Committee it could not become law this year. To that admission he would refer those hon. Gentlemen who maintained that the Bill would not be lost if the Amendment were agreed to. The authority and experience of the right hon. Gentleman were against them, and it was clear that if they were successful the very difficult branch of the subject which they were discussing would be left to be dealt with in some Bill in a succeeding Session. He, for one, would not be responsible for any proceeding of that kind. He did not feel bound to propose a measure which would solve every possible problem connected with the subject of rating. We had since the days of Elizabeth gone on sufficiently contented with the rating of mines of a certain character without particularizing the mode of assessment, and it was, he thought, going too far to tell the House in the middle of the month of June, when it desired to make some progress in dealing with a great question of which the present Bill touched only the fringe, that it

should not proceed further unless it entered into a branch of the subject which would make legislation impossible in the present and doubtful in a future Session. He was aware that there was some dissatisfaction in the House as to the method which the Government had deemed it their duty to adopt in dealing with the subject of local administration and taxation; but it was rather too late to dispute the policy on which they acted, seeing that the House had almost unanimously passed the Budget, and that there were no funds out of which contributions could be made in aid of the local rates. Was the House prepared, under these circumstances, to say that it would not permit the Government to do what they could in the matter? They had honestly and explicitly declared it to be their intention to deal with the question as a whole; and was it anything more than simple justice that they should be allowed to take the first step in that direction? If they were permitted to do so they would be doubling their obligation to meet the views of the hon. Member for South Devon (Sir Massey Lopes), who, if the present Bill passed, might be more than ever certain that a subject in which he took such an interest would in a future Session be taken up by the Government. There was only one other point to which he wished to refer. His hon. Friend the Member for Ayr (Mr. Cranford) had called attention to the fact that Scotland and Ireland were excluded from the Bill, referring especially to the clauses which it contained concerning the rating of Government property. Now, if the views which he had laid before the House as to the rating of Government property should be accepted, there would be no objection to extending those clauses to Scotland and Ireland. In conclusion, he earnestly entreated the House to accept the assurances the Government had given on this subject, and allow the Bill to go into Committee.

MR. GATHORNE HARDY said, he was surprised to hear the right hon. Gentleman say that there was no principle laid down in any Act of Parliament as to the mode in which the value of property liable to rates could be ascertained. Now, he could not at that moment lay his hand upon the statute, but he had before him a well-known work, *Archbold's Poor Law*, in which he found

the principle laid down that property was to be rated at a sum equal to the rent at which it might reasonably be expected to be let from year to year, the rates and taxes to which it was subject being first deducted. That being the principle laid down by statute, the right hon. Gentleman was now going to adopt an entirely different principle with regard to Government property and houses also, and the arguments of those who urged that the Bill should be referred to a Select Committee were, therefore, perfectly reasonable. What was a person to do, he should like to know, who took from year to year growing timber, which for 15 years might be absolutely worthless? It was impossible that he could make any profit by it, and when the right hon. Gentleman proposed a certain mode of dealing with Government property which could not be applied to the case of timber, he must not be surprised if he were asked, as he had laid down a principle in one case, that he should do it also in others.

Mr. STANSFELD said, perhaps he had not expressed himself with sufficient distinctness. What he intended to say was, that there was on the Statute Book no enactment defining, as it had been proposed the Government should define, the method and principle by which special classes of property should be valued by assessment committees. The general principle, which had operated since the reign of Elizabeth, was that the gross annual value should be ascertained with reference to the rent the property would fetch, and that principle would be applicable to new as well as old properties.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 211; Noes 181: Majority 30.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

On Question, "That the Preamble be postponed,"

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir Michael Hicks-Beach.*)

Mr. STANSFELD said, he would be willing to report Progress after the first

two clauses, to which there was no opposition, were passed.

Sir MICHAEL HICKS-BEACH said, he thought that the 2nd clause raised the question of the application of the measure to Ireland, and he must, therefore, persist in his objection to going on with the Bill.

Mr. STANSFELD said, he would propose an addition to the clause which would probably meet the objection of the hon. Baronet. The clause was—"This Act shall not apply to Scotland or Ireland," and he proposed to add the words—"Except as is otherwise expressly provided by this Act."

Mr. W. H. SMITH urged that the President of the Local Government Board should put on the Paper his Amendments on the 7th clause.

Mr. SOLATER-BOOTH said, he hoped that, before the right hon. Gentleman took the next step in this matter, he would make some statement with reference to the charge which the abolition of the exemption of Government property would throw upon the annual Estimates.

Mr. M'LAREN said, he had originally objected to Clause 2, because it did not make the Bill applicable to Scotland as far as the rating of Government property was concerned; but after the statement of the right hon. Gentleman that the Bill would be applied to Scotland to that extent, he was perfectly satisfied.

Question put.

The Committee divided:—Ayes 151; Noes 176: Majority 25.

Clause 1 agreed to.

Clause 2 (Extent of Act).

Mr. STANSFELD proposed to introduce words to the effect that the Bill should not apply to Scotland or Ireland "except as is otherwise expressly provided by this Act."

Mr. COLLINS said, he believed there was a serious objection to the clause, and as it was impossible to discuss it in the few minutes that remained, he moved that Progress be reported.

Mr. PELL supported the Motion, observing that a great number of Members had left the House.

Mr. STANSFELD assented to the Motion.

Committee report Progress; to sit again upon Friday, at Two of the clock.

And it being now twenty minutes to Seven of the Clock, the House suspended its Sitting.

House resumed its Sitting at Nine of the Clock.

#### NAVY (PROMOTION AND RETIREMENT).

##### MOTION FOR A SELECT COMMITTEE.

SIR JOHN HAY, in rising to move—

"That a Select Committee be appointed to consider the present system of Promotion and Retirement in the Royal Navy, and to report their opinion thereon to this House,"

said: Mr. Speaker—Sir, the formal Motion which I am about to introduce to the notice of the House is framed in the same words as the Motion which was made in this House ten years ago by Lord Palmerston. On that occasion I had brought before the House the then position of the Navy with regard to promotion and retirement. It appeared to me, at that time, Sir, that the service was suffering from stagnation of promotion and from the want of arrangement which then existed. It is now 10 years since that subject was inquired into. It was in the year 1863 that I had the honour of submitting this subject to the House, and Lord Palmerston made the proposal that a Select Committee should be appointed by the House to consider the system of promotion and retirement in the Royal Navy, and report thereon to this House. That proposal was adopted. My right hon. Friend the Member for the University of Cambridge (Mr. Spencer Walpole) was the Chairman of the Committee, and presided over its deliberations with great advantage. The hon. Member for the Montgomery Burghs (Mr. Hanbury-Tracy) has also a Motion of a similar kind before the House, and had intended to take an opportunity of calling the attention of this House to the subject, and of moving for a Select Committee to inquire into the condition of the Navy, with regard to promotion and retirement, and with a view of settling an equitable plan of retirement in the Navy. The Committee of 1863 produced a Report which no doubt many Members of this House have read, and which made various suggestions for the improvement of the position of the officers of the Navy. That Report was in some degree acted upon by the Duke of Somerset in the year

1866, and the advantages of the arrangement which was then made were manifest and were bearing good fruits during the six or seven years which succeeded the Report of the Committee. In 1863, as I have said, I had an opportunity of introducing this subject to the House, and was assisted in the view which I put forward by the opinions of naval officers who had considered the subject, and of the Rev. Mr. Harvey, whose name will long be remembered in connection with this subject. They had taken a great deal of evidence upon the subject, and that formed the basis of the recommendations which were laid upon the Table of this House, and also the basis of the inquiry which then followed. At present, however, the Navy is—I will not say suffering from—but is under the influence of a different scheme of retirement. In the year 1870, with very considerable liberality, a large grant of money was given by this House to the Admiralty for the advantage of retired officers of the Navy. The object of that grant was to induce officers to retire from the Navy, and in so doing to diminish the number of officers who were on the active list. There is a great deal to be said in favour of the proposal. The arrangement was one which was intended to reduce the active list so as to give more constant employment to those who remained upon it. And it was intended to reduce the active list of officers to 1,000 in the superior grades; that is to say, there were to be 50 flag officers, 150 captains, 200 commanders, and 600 lieutenants. But at that time there were on the active list 80 flag officers, 288 captains, 402 commanders, and 769 lieutenants, thus leaving a surplus of 30 flag officers, 138 captains, 202 commanders, and 169 lieutenants, at the time that proposal of retirement was introduced by Order in Council of the Navy. After the Order in Council had been three years in operation—in March, 1873—there were on the active list 59 flag officers, 226 captains, 306 commanders, and 703 lieutenants; still leaving a surplus of 9 flag officers, 76 captains, 106 commanders, and 103 lieutenants; the net result being a reduction of 21 flag officers, 62 captains, 96 commanders, and 63 lieutenants in that period. Now, it may be asked, why I should select a period of three years as the time at which to call the attention of this House to

this subject. I wish to do so because at the time that this measure was introduced to the notice of this House, we were promised by the Minister who then had the honour of submitting it and carrying it, that at the end of three years from that time all the good results which were to be expected from it would have followed from this measure. I will quote the words of the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. Childers), who was at that time First Lord of the Admiralty. He said—

"The House may wish to know what will be the future financial effect of these changes. In the first year there will be an addition of £54,111. In the second year the amount of increase will be reduced to £12,499. It may be assumed that all the compulsory retirements will be in the first year and two-thirds of the optional retirements; in the second year there will be half of the remaining third of the optional retirements and half of the further reduction to bring down the number to those proposed. In the third year, the numbers being fully reduced, the increase of charge will be diminished to £80,886. In the fourth year, instead of an increase of expense, there will be a saving of £7,552. In the fifth year there will be a saving of £45,990. A steady saving will then go on for 20 or 25 years, until all the lists will be in what may be called their normal condition."—[*8 Hanard, cxcix. 937.*]

Upon that I am bound to call attention to a Return (821, 1872), before this House, which shows that the diminution has been hardly anything. The charges, which were £1,755,336 in April, 1868, are now shown by a Return to be £1,754,041, which is little less. And since that, owing to certain changes, although there has been no further Return, I believe the Secretary to the Admiralty will acknowledge that the charge has rather increased than diminished. However, at any rate, it is apparent that there has not been the diminution which was anticipated, and the increased charge continues, as it was supposed it would, by those who opposed the measure. The half pay, the reserve pay, and retired pay in 1868-9 was £700,166, and it is now £847,462. In 1870 it stood at the increased charge of £902,100, and therefore it has been reduced slightly from that great increase; but that sum included the special grant of £120,000. It was £723,000 in 1869-70; £782,000 in 1870-71, excepting £120,000 which was specially voted; and then the charge went on to £829,000 in 1871-2; £818,000 in

1872-3; and for 1873-4, £847,462. Therefore, so far as this House is concerned, the promise of a diminution of the public charge has proved to be fallacious. There was another object with which this proposal was introduced to the notice of the House. I quote from the pages of *Hanard*, February 28th, 1870. The then First Lord of the Admiralty said—

"Our third object was to render the service contented. So long as we had a large number of officers unemployed, and while some of the questions I have mentioned were unsettled, no one can wonder at a certain uneasiness and want of contentment in parts of the service. We believe, however, that the proposals I have made to-night ought to remove these feelings; and, if that prove so, we shall have succeeded in our third object: Efficiency, economy, and contentment are, then, the main bases of our naval policy."—[*Ibid. 938.*]

I am quite sure the House and the country and the Government desire efficiency, economy, and contentment in the Navy, and all I venture to ask the House to grant a Committee for is, because I do not believe that either efficiency, or economy, or contentment have been obtained by that scheme of retirement and promotion introduced in the year 1870, or that it is likely to lead to those most valuable qualities in those who have had the honour to serve the Queen. I understood that under that retirement scheme the measure of efficiency was principally to be the age of the officers who were employed. My right hon. Friend the Member for Droitwich (Sir John Pakington) 15 years ago proposed that officers at the age of 70, of whatever rank, should be retired. That appeared to him to be an age at which no more services could be required from gentlemen serving in the Navy, and that it would be fair to create a flow of promotion by removing them from the list and promoting other persons into their places. That is a very different plan, so far as the Navy is concerned, from the plan by which persons are forced off the list at a certain age and other persons are not promoted to take their places. I myself had proposed in 1852 a plan of retirement. To quote the words I used at that time, I proposed that "the services of men of energy, of great practical experience, inured to war, should be retained whatever their age might be." That is another plan of retirement; and it was not until the



Committee sat, over which my right hon. Friend the Member for Cambridge University so well presided, that I became aware how difficult it was—that is now many years ago, and I had not then so much experience as I have at the present time—for men in high office to make a selection of those whom they might think had the energy and ability which, according to my view, would have retained their services in the Navy. I am therefore willing, so far as I am myself concerned, to acknowledge that I was mistaken in that proposal.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

SIR JOHN HAY proceeded: I was remarking, Sir, that the various plans of retirement which had hitherto been offered for the acceptance of this House had contained various elements which might have been more palatable to those who were affected by them. But before the Committee which I have alluded to, presided over by the right hon. Member for Cambridge University, we had a very singular piece of evidence of the extreme distaste of these proposals of retirement to the officers of the Navy. One of the most distinguished Admirals of the Navy—I allude to the late Lord Dundonald—was one of those who were about to be affected by one of these schemes of retirement. It was given in evidence by Sir George Seymour that Lord Dundonald's expression of distaste for the proposal was couched in these words—"I have no wish to be driven into the knacker's yard." Now, although that is not by any means a satisfactory place into which to drive officers, yet it is the place to which large numbers have been driven by the arrangement of 1870. I do not propose to-night, in asking for this Committee, to go into any question as to all the officers of the Navy. I merely desire to place before the House the condition of the combatant officers, for the rest will follow and will be naturally inquired into by any Committee which it might be the desire of this House to appoint. Now, with regard to the combatant officers of the Navy, the crucial test, as I understand it to exist at present, is the test of age accompanied by service at sea. The object of the proposal was a very valuable and excellent one if it had been

attained. The object of the proposal of 1870 was to quicken promotion in the Navy and give us younger officers. If, however, it had succeeded in giving us younger officers, I, for one, should have been perfectly satisfied with the scheme as proposed; but I wish to call the attention of the House to some figures bearing on this proposal. Of the various classes of officers on the flag list in the year 1870 the aggregate ages of the 3 Admirals of the Fleet were 246 years; in 1873, or rather at the present time, they are 252 years. In the year 1870 the aggregate ages of the 13 Admirals—the youngest 13 Admirals on the list of full Admirals—was 844, and it is now 860, or 16 years older. In 1870 the 15 youngest Vice Admirals were 880, and now they are 895, or 15 years older. The 25 youngest Rear Admirals were at that time 1,291, but they are now 1,865 years; so that in every one of the cases in which flag officers of the Navy are concerned, the age of the active officers has been increased.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SIR JOHN HAY, resuming, said: I am extremely sorry for my hon. Friend the Secretary to the Admiralty if he is unable to catch the thread of the argument I have endeavoured to adduce, but it has been so frequently broken that I must ask the House to excuse me if I, perhaps, go over a little of the ground I have already trodden. I was endeavouring to point out to the House that the ages of the officers in the upper ranks of the Navy had considerably increased under the recent arrangement. I will not recapitulate the ages which I have already given, and which I daresay the hon. Gentleman knows as well as I do; but I will proceed to say that in 1870 there were 5 officers on the flag list under 50 years of age, and there are now a smaller number—namely, 4—under 50. Comparing the ages of individual officers with the aggregate ages I have adduced to the House, it will be shown that they also have considerably increased. There are now 31 under 50 and 60; 17 between 60 and 70; 4 over 80 years of age, still upon the flag list. It therefore seems that the object of the retirement scheme for which the House paid so hand-

somely has not been achieved; and I must say that although the liberality of the House at that time to the Navy, so far as regards retired officers, was considerable, the House must not be under the impression that the Navy generally benefited by that liberality. I would like here to point out that it was, of course, desired by this House and supposed that those who were the most inefficient were those who were rejected from the list, and those retained were supposed to be the most efficient and the most fit for service. Those on the half pay list and the active list have received no important increase of pay whatever; and, indeed, on the half pay, none whatever. There were certain distributions of pensions which might give a slight increase to certain officers and deprive others of them; but the half pay has not been increased, as a matter of fact, nor has the active pay of the Navy been increased. This large sum of money was given to the retired list of officers, who are officers who have been rejected from the Navy, and are no longer competent to serve the Crown in any naval capacity. It is difficult to express it exactly; but they are paid largely by the country for not allowing themselves to be employed, which is about the worst object to which public money could well be applied. In addition to the increase of the aggregate age of the officers which I have already alluded to, the slowness of promotion now has become a very great disadvantage to the profession. Of all things that you ought to keep before the eyes of those who are serving you in the profession of arms, is the prospect they have, if they distinguish themselves, of rapid promotion—that for distinguished services they are sure to be promoted. Now, the fact is at this moment that the Navy is labouring under the impression that it has become almost a seniority service, that there are no young officers comparatively being advanced to the ranks above them; and you are arriving at this stage—that you will retain officers on the list of captains until they are 54 years of age, and yet under the new retirement scheme as Rear Admirals they will be obliged to retire at 55. The result is that they are retired before they have an opportunity of serving in that capacity, and the country has a heavy charge to pay them on their retire-

ment as flag officers, for which they never do the country any service whatever. It will be the year 1880, or seven years hence, before the Admirals' list is reduced to the established number. Now, I make that assertion upon what I hope the House will consider sufficiently good evidence. The hon. Gentleman the Secretary to the Admiralty will know very well the name of Mr. William Hickman. He is an officer whom the Admiralty has constantly employed for statistical Returns, and he has been so kind, without taking any particular view of the matter, as to make all these calculations for me, he having been in possession of the ages of every officer on the list, and having made these calculations on a fair basis of life assurance calculations. Now, I will take the list of Admirals. There are 3 Admirals of the Fleet at this moment, and 13 Admirals on the active list on the 20th of March, 1873. To 4 of these officers the retirement scheme does not apply, and of the remaining 12, 8 elected to remain on the system in force in 1866, which enables them to continue on the active list until they attain the age of 70. They are Sir Henry Codrington, who will retire in 1879; Sir George Mundy, who will retire in 1875; Sir Henry Keppel, in 1880; Sir James Hope, in 1878; Sir Alexander Milne, in 1877; Admiral Richard Warren, in 1880; Sir Sidney Dacres, in 1874; and Sir Augustus Kuper, in 1879. These are the officers who are not subject to the retirement scheme of 1870. The 4 Admirals subject to the Order in Council of 1870, will retire in the following order on attaining the age of 65—namely, Lord Clarence Paget, in 1877; Admiral George Elliot, in 1879; Sir Thomas Symonds, in 1877; and the Hon. Charles Elliot, in 1884. I will not go over all the list, but I wish to show the House and the Secretary to the Admiralty, that I have gone carefully into these matters, and to place before them the fact that these calculations are based upon accurate statistics. So far, then, as retirements are concerned, there will be from the Admirals list, 1 in 1874, 1 in 1875, 3 in 1877, 1 in 1878, 3 in 1879, 2 in 1880, and 1 in 1884. There are certain contingencies provided for in regard to death vacancies; but with regard to voluntary retirement, from the foregoing

statement it is evident that it will be 1880 before the Admirals list is reduced to 7. I will not go through all the lists, but I will now come to the captains' list, which depends upon the condition of the flag list. There will be in the year 1876, for promotion, 4; in 1875, 3; in 1873, 2; in 1877, 3; in 1878, 4; and in 1879, 4 promotions. I have here the officers who are likely to retire. The ages have been fairly calculated, and this will show that the captains' list will not be reduced to the number it was intended to be reduced to until the year 1892, which is a time we need hardly look forward to in any calculation of this kind. Now there are 226 captains, and they are to be reduced to 150. Until they are so reduced, only one promotion for every two retirements is to be made. Therefore it is that I complain that the flow of promotion will be stopped for many years to come. I think, so far as this calculation can be accurate, it will be 1896, if the present arrangements continue, before the promotion of one in each vacancy will be allowed to take place. To further confirm what I have said, I may state that the Order in Council of 1870 puts the establishment of superior executive officers of the Navy at 1,000—50 flag officers, 150 captains, 200 commanders, and 600 lieutenants. The Order in Council has been three years in operation, and, remember, I have quoted the words of the First Lord of the Admiralty at that time, who said that at the end of three years—that is, in March this year—it would be in full operation, and would have done whatever it was expected to do. There are still in March, 1873, 59 flag officers, 226 captains, 306 commanders, and 703 lieutenants; leaving a surplus of 9 flag officers, 76 captains, 106 commanders, and 103 lieutenants; the net result in this time being a reduction of 21 flag officers, 62 captains, 96 commanders, and 63 lieutenants. It may be naturally said—"If you have reduced so many in the course of this time, why not go on a year or two longer, giving the scheme a fair trial?" I should be quite willing to do so if I did not see that it was impossible such a trial could lead to a good result. These are the figures of that accurate and careful statistician, Mr. Hickman, who has authorized me to use his name. "But still," it may be said, "if, in the

course of three years, you have reduced your surplus officers from 589 to 294, why not wait and see whether the natural action of this arrangement will not complete that which was intended to be completed?" But in 1870 you shelved a number of officers, who either could not or would not serve. By compulsory removal, the propriety of which was questioned at the time, you shelved them. Let us follow the course of events as they have happened in the years which have elapsed since 1870. In the year 1870, there were 70 captains retired, 75 commanders, and 92 lieutenants; in 1871, 24 captains, 28 commanders, and 39 lieutenants; in 1872, 16 captains, 13 commanders, and 42 lieutenants; and this year, so far as it has gone, only 2 captains have retired; 5 commanders, and 9 lieutenants. Now, that shows that the operation of the retirement scheme was exhausted at first; that its influence, however good, was the result of the very liberal vote of £120,000 which attracted a certain number of officers off the lists; and that having exhausted that particular attraction, it could no longer induce officers to give up a profession to which they had devoted their lives. Up to the year 1883, or 10 years hence, the promotion, as calculated on the captains' list, of Rear Admirals will be 48, and at that time the fifty-seventh captain on the list of captains will have been reached by the promotion. That officer will be 54 years of age. I have the figures here and the name, but I need not mention it. Within a year after that he will be obliged to retire as a Rear Admiral. He will, therefore, be only one year upon the Rear Admirals' list, having previously served with considerable distinction; but he will be then shelved and become of no further use. It is probable that there will be only three officers, if they all serve—Captains Lambert, Hewitt, and Sir Malcolm Macgregor—who will reach the flag list under 50 years of age. Captain Hewitt will probably have served his time, but Sir Malcolm Macgregor is not serving, and may not be one of those who obtain promotion. Captain Hewitt will be 49 years of age, and he and Captain Lambert will in all probability be the only officers within the next 10 years who will obtain the rank of Rear Admiral under 50 years of age. There

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will not be more than 12 commanders promoted in each year up to 1883. Now, I think that is a serious matter. A number of senior officers of ships now exist, and it is a very awkward matter if the Government contemplate that only 12 commanders, who hold such responsible positions, will be promoted out of a considerable number. They must know that in consequence of the check of promotion only one person will be promoted out of two vacancies—and rather less from certain changes which have been made; and these officers will have to go on serving without prospect of promotion during the next 10 years if the present system continues. And at that time—1883—the captains' list will be only reduced to 194, and will be still 44 above the number to which we were promised it would be reduced by this time. The right hon. Gentleman suggested 150 as the aggregate number which was to have been reached at this date. But the First Lord of the Admiralty has broken through that rule—as I think with great judgment—and I give him great credit for it. He has promoted a considerable number of officers very rightly and justly, but he has entirely broken through the arrangement which was to reduce the list, which has been increased by nearly 20. By the retirement scheme of 1870 the captains' list was reduced from 288 to 239; but since that time it has only been reduced by 13. But the captains' list has to be reduced to 150; so that for the next 10 years the Navy must look forward to an absence of anything like that right, and just, and reasonable promotion which men ever hope for in the public service. With regard to the commanders' list, there are now 306 commanders, and that number is to be reduced to 200. It was reduced by the proposal of 1870 from 402 to 339; but since that time the action of the retirement scheme has only been to reduce it by 33, which is a very slight way on the journey towards the reduction to 200 proposed. The lieutenants' list in March, 1870, numbered 769. It was reduced by retirement to 688; the intention originally being to reduce it to 600. But the right hon. Gentleman the First Lord of the Admiralty very wisely intervened, and I thank him on behalf of the service for what he did in breaking through the rule. Still, the effect has been to increase the list to

729, or nearly up to the numbers at which it was at the time the House voted so liberally for the reduction of the list. It is evident that the numbers not having been reduced, there can be no diminution of charge such as was held out as a boon to the country in 1870. There has, in fact, been a slight increase of the public charge instead of the anticipated reduction. Now, there are certain points which may not seem to be of any great importance to the House, but which are of very great importance to the Navy, to which I desire to call the attention of the right hon. Gentleman and his Colleagues. A new plan with regard to retirement of Admirals of the Fleet was introduced in 1870, which I conceive to have been a most improvident and improper arrangement. The rank of Admiral of the Fleet has no doubt since the time of Lord Howe been an honorary rank, but is equal to the rank of Field Marshal, and is much coveted by those who have risen to the rank of Admiral in the Navy. And I believe the proposal of the Chancellor of the Duchy of Lancaster was extremely unjust to those officers in that particular. Let us see how unfairly it is working. It is quite true that at this moment there are three very distinguished officers who hold that high post, and I am sure that whoever may hereafter attain to it will be officers of distinction and deserving of that honour. But many of the officers who commanded-in-chief your Fleets by the action of this scheme are prevented from ever becoming Admirals of the Fleet. Although they may have looked forward to it from boyhood, and have risen to command your Fleet, they are deprived of that position by the red tape rule which says that at the age of 68 or 65, according as they accept the new or old scheme, they are to go off the list of Admirals. The result is that such men as Sir William Martin, Lord Lauderdale, Sir Alexander Milne, and Sir Frederick Grey have been, or probably will be, deprived of this rank, not because there are better men—although, perhaps, equally good men may reach it before them—but because they may be pushed off the list of Admirals before their turn comes, and another man who is a day under the age may have arrived at the top of the list. The result will be that three officers—excellent officers, but who do not

happen to have commanded the Fleet at sea—will attain to this rank, while three officers who have been First Sea Lords, and five who have commanded Fleets at sea, will be placed on the retired list, and simply because of what I really must call this absurd rule, which will turn these men adrift into the “knacker’s yard” when they happen to be 65 or 68 years of age. If there was any advantage to be gained by bringing a young officer of 35 or 40 to command the Fleet at sea; if there was some object in it, and this was not simply an honour, one could understand the arrangement. However, it seems that this seniority system is to continue when you come to the highest rank of all. I appeal to my hon. and gallant Friends in the Army as to what they would think of such a rule by which an officer who had arrived at a position where he could be selected to be a Field Marshal, should be forbidden to obtain it because he was 65 years of age. I believe if we looked at the list of Field Marshals we should find that—except the illustrious Duke, who has rendered great services in the field no doubt, which entitled him to that position, but whose high rank probably assisted him to obtain it—no general officer, with the exception again of the Duke of Wellington—[Sir PERCY HERBERT: And Lord Raglan.]—has attained that rank under the age of 70 years. An hon. and gallant Friend near me says that at this moment one of our most distinguished Field Marshals is 90. Yet distinguished officers in the Navy, like Sir William Martin, Lord Lauderdale and Sir Frederick Grey, are deprived of an analogous position because, forsooth, some arrangement has been come to by which at 65 or 68 years of age they must make way for another officer, who, having perhaps attained within a day of the age, gets this coveted distinction, while others are put aside without a chance of receiving it. There are some other points which I think should not be neglected, as I am alluding to this matter. The hard-and-fast line which was intended to be drawn may have been a fair one, but it was very disadvantageous to the country; and the right hon. Gentleman the First Lord of the Admiralty has, I am glad to say, not adhered to it. I will allude to one or two cases in which he has thought it right to abstain from enforcing the rule

which had been laid down. The right hon. Gentleman has a most excellent Board of Naval advisers, and I believe he could not select better men than Sir Alexander Milne, Sir Walter Tarleton, and Admiral Seymour, to give him advice. In saying this, I have no wish to derogate from his ability, but in naval matters he must necessarily require advice, and these are excellent naval advisers. There is no officer more distinguished or more deserving of his confidence than Sir Walter Tarleton. He is one of the Lords of the Admiralty, and if I examine the list of Naval officers, I shall find that he is the only officer of Rear Admiral’s rank who is 62. He ought, by the regulations, to have retired either at 60 or 55; but when the right hon. Gentleman did him the honour to request him to become one of his Naval advisers, he said—“I am quite willing; but at a given date I shall attain the age when I must be retired, and when that age arrives I must leave you. I do not think it right or proper that I, as an adviser of you who are to command our Fleets, should be here to advise you if I am incompetent to command a Fleet myself.” The right hon. Gentleman accepted Sir Walter Tarleton’s services on these conditions, and when Sir Walter Tarleton arrived at the age at which he must have retired he was retained upon the list. He was made five years younger by an Order in Council. [Mr. GOSCHEN: No, no!] At any rate some arrangement was made by which, at the age of 62, he was retained as a Rear Admiral. He remains—very fortunately for the service—to advise the right hon. Gentleman; but he obstructs the promotion of other officers on the captains’ list, who in consequence of his remaining there, are not, and never will be, promoted to be Rear Admirals. I think the House will not be of opinion that Captain Vansittart, almost the senior captain, who will be within a month or two 55 years old, who has had more command of iron-clads and greater experience in iron ships than any man afloat, should be retired because Sir Walter Tarleton remains at the Admiralty. Had Sir Walter Tarleton retired, Captain Vansittart would have been Rear Admiral, and would have had five years to go on: I think the right hon. Gentleman very properly retained the services of Sir

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Walter Tarleton; but, by so doing, he deprives the country of Captain Vansittart's services. I have happened to mention the officer who is close to the head of the list, but there are hundreds of other cases which I could fairly put forward. I will give another instance. I have not seen *The Gazette* yet; but I may refer to Rear Admiral Sherard Osborn as an officer well known in the country. He is Captain Sherard Osborn officially at this moment, but I understand that a vacancy has occurred by which he will become Rear Admiral. It is fortunate that his services have been retained for the country. But in reality Admiral Sherard Osborn, or, as he then was, Captain Sherard Osborn, was giving his very valuable services to a society of great importance. I believe him to be a gentleman most competent to give his services in that direction, and, in so doing, during peace to be of benefit to the country generally; and I do not think that in time of peace he could be better employed. But he would have been retired by the plan of 1870, which required that an officer who had not been at sea for seven years must be retired and placed on the shelf. I should be very glad if the right hon. Gentleman the First Lord of the Admiralty would ask his Colleague, Sir Alexander Milne, to show him a letter which I had the honour of writing to Sir Alexander Milne in the summer of 1871, in the September just before Captain Osborn obtained his appointment. [Mr. GOSCHEN: Was it a private letter?] It was not of course a public letter; but it was not private so far as I am concerned in any sense, and I told Sir Alexander Milne that if he had no objection I should quote it on this occasion. But no doubt he will show the letter to the right hon. Gentleman if he should have preserved it. It does not bear upon this question except in the respect which I will now mention. I happened to be in Scotland when I was informed by an hon. Member of this House—who no doubt if he were here could corroborate what I have to say—that Captain Sherard Osborn had made arrangements which would save the country from being deprived of his services. He was to proceed to sea during the interval of autumn relaxation which he had from his employment, and hoist his pendant in an iron-clad for a short time, and by

so doing save himself from being retired, and save his services for the country. I agreed that they were extremely valuable, and I wrote to Sir Alexander Milne on the subject. I mention his name, because, being in office, he will no doubt be able to inform the right hon. Gentleman on this point. This was in September, some weeks before the appointment of Captain Sherard Osborn to the *Hercules*. I have no doubt the right hon. Gentleman appointed him *bond fide*, with the full intention that he should continue to command the ship; but, singularly enough, certain circumstances made it necessary for him to resign at the end of six weeks or two months; and he again, like Sir Walter Tarleton, blocks the way to Captain Vansittart. [Mr. GOSCHEN: The hon. Baronet has not stated the substance of his letter.] I merely called attention to the letter—I have no copy of it—and I simply referred to the fact that I called Sir Alexander Milne's attention to Captain Osborn's probable employment a month before it occurred, and to the circumstances which did occur thereafter. That is to say, it was understood that Captain Sherard Osborn, during the relaxation he was about to have from certain public employment, was to take command—as we should go to the moors or fishing—for six weeks, and by employment at sea save himself, or rather save the country, from being deprived of his services. [Mr. GOSCHEN: That is, he was to have a colourable office?] I make no charge whatever. I quite understand the right hon. Gentleman to say that he appointed him *bond fide*. I only know that what has happened has been that Captain Sherard Osborn did take command, and at the end of six weeks or two months resigned; is now Rear Admiral, and so prevents the promotion of the next man. His presence there blocks the way to Captain Vansittart, who would have been the next man, and the country will lose the services of those other men by reason of this hard-and-fast and absurd rule, which ought to be broken through as soon as possible. I am not finding fault with Captain Sherard Osborn, who desired to remain in the service, or with the right hon. Gentleman for having done this.

MR. GOSCHEN: For having done what?

SIR JOHN HAY: For having appointed him to the *Hercules*; for having allowed him to resign; and for the fact that his service was over in six weeks.

MR. GOSCHEN: It was not over in that time.

SIR JOHN HAY: Oh, was it not? Well, then, it was seven weeks or two months. I thought it was six weeks. I will not be sure; but at any rate he commanded the *Hercules* for a short time, and came back to his duties in the City of London.

MR. GOSCHEN was about to make another observation, but was met by cries of "Order!"

MR. SPEAKER: The hon. Baronet is in possession of the House, and unless the right hon. Gentleman desires to make an explanation he is not in Order.

SIR JOHN HAY: I understood—I do not know—but I believe Captain Osborn held an appointment of considerable importance in the City of London, and that he went away for six weeks or more, and came back to the same employment. I may have been inaccurately informed, but if I am wrong I am quite ready to be corrected. But, as I have said, Sir Walter Tarleton and Rear Admiral Sherard Osborn have prevented the promotion of the two next captains on the list. I will now mention the case of Captain Ashmore Powell, who was appointed to make certain experiments with regard to ships in which the public were much interested, and whose qualities had been very much challenged. He was sent to sea with two ships, and then somebody at the Admiralty discovered before he made his report that he was 55 years of age; so he was shelved, and we did not get his report. He had been selected as the fittest man for the duty, and yet before he could put pen to paper he was sent away, and could make no report whatever. Take another case. I was looking through the list of Rear Admirals the other day. A knowledge of the Transport Service is of great value to this country in our amphibious wars, and there is hardly any person who has the same experience as Sir Leopold Heath, who was thanked by the House which preceded this—by your predecessor, Sir, for the services which he rendered in Abyssinia. He was Commander of the Fleet there, and had probably had more experience there in the Transport Service connected with a

considerable Army than any man going. He was young—although, perhaps, the House does not consider 55 young—and very active. I happened to look to see where he was, and I found he was retired. [Mr. Goschen: Voluntarily.] So much the worse that the country allows him to retire voluntarily; the country should compel him to remain. Of what advantage is it to the country to give an option to a man like that to retire from the service? I do not want to weary the House with these cases, but I must mention one more. I am sorry to see that my hon. and gallant Friend the Member for Stirlingshire (Admiral Erskine) is not in his place. He had hoped to be here. The youngest captain on the list who is just about to be retired is the nephew of, and of the same name as the hon. Member for Stirling. He served under my command, and I know him to be a most excellent officer; but, unfortunately, the seniority system takes older men to be employed, and he is within a month or two of the time at which he will be retired. He is very little over 30 years of age, yet he will be put upon the shelf and have £300 a-year for life, unless my calling the attention of the right hon. Gentleman to the case may enable him to obtain a command. He is a young man with a tolerable fortune, no wife, and all other advantages to enable him to serve his country with credit and distinction; but unless he gets a ship within a month or two, the country will be charged with £300 for his life-time, and he may go where he likes. Surely that is not for the advantage of the country? There are other cases of the same character, but I do not wish to tax the indulgence of the House, and I have taken him because he is the youngest, and a relative of the hon. Member for Stirling, who I was in hopes would have been here to confirm my statement, and who entirely concurs in the objects of my Motion. Now, I am not going to attempt to suggest to the right hon. Gentleman what he should do. One thing is quite evident. If he looks over the Report of the Committee of 1863, over which the right hon. Member for Cambridge University presided with so much ability, he will find that all the suggestions made there were more practical and more valuable than the plan of retirement under which the Navy at present suffers. But there is

this to be said—that it cannot go on. One of the great evils has been the entry of a large number of young officers. I have always thought so and said so. You must limit your entries, for although they are very valuable officers, yet if you are to have 600 lieutenants you must not enter any one for three years, and after that you must limit your entries to 45 or 47 a-year. It will be said, and very properly said—"How is the work of the junior officers of the Navy to be performed if you limit the entries so largely?" I know many of my naval friends differ from me in that which I have advocated before, which is that you must do this—You must promote your youngest and best-conducted seamen to a class of warrant officers, and employ them for certain duties connected with the boats, tops, decks, and quarters, which anyone who has been at sea will understand, and which they are capable of performing. Before that Committee, of which I have already spoken, one of the most distinguished officers of the Navy—the late Sir George Seymour—was examined, and it will be seen that his evidence bears me out in this statement as to the employment of warrant officers. You cannot hope to improve the list of officers if you swamp them by numbers. With 45 entries, and by retirement from the lieutenants' list of 25 or 30 lieutenants a-year, you would require no retirement from the other lists of the Navy. What you ought to have is a much larger number of warrant officers, which would give a great inducement for good conduct among the seamen of the Fleet; and you ought also to retire officers from the list of lieutenants before they attain the age at which they would become commanders—those who are superfluous, and who are not to be promoted to the higher ranks of commander or Admiral. It may be asked—"What are you to do with these lieutenants?" Well, the question certainly is a difficult one. I may, perhaps, anticipate to some little extent what will fall from the hon. Member for Hastings (Mr. Brassey), who I see is about to move an Amendment to my own Motion for a Committee. I believe I may presume to say that it is not a hostile Amendment. I would venture to suggest that the lieutenants so retired should be employed as lieutenants in the Naval Reserve, and that con-

siderable inducement would be held out to the mail contract companies, and all the other shipowners of this country, to employ them to command their ships. They would be the fittest men for that purpose; and, assuming that the commanders of those vessels receive, say, £800, they having £150 or £200 from the Crown as a retaining fee or retired pay, would be able to give their services for a smaller sum to the great shipowners, who would be, as I believe, ready to employ them. The advantage of that would be that we should have competent and skilful officers to train our Naval Reserve, and they would be available, in the event of war, to command those very ships which it would be necessary to man or commission for the purpose of destroying an enemy's commerce. The arrangements with the contract steamers formerly—I do not know whether they do so now—contemplated the employment of those vessels in war, and they were obliged to have certain means to enable them to mount guns in case of necessity. What could be more advantageous for the country than that on the outbreak of war those admirable vessels should be filled with men of the Naval Reserve—which I have always supported the right hon. Gentleman in obtaining money to pay—and commanded by lieutenants in the Navy, with the rank of commander if you like, who being so employed in war would, by gaining distinction in their special branch of the profession, I hope have an opportunity of rising to a higher rank? Various interruptions have, unfortunately, marred my attempt to introduce this proposal to the House; but I trust that the right hon. Gentleman may have gathered what it is that I desire to offer to his consideration. I believe it is very desirable that a Committee should be appointed to inquire into these matters. I am quite sure that neither efficiency, economy, nor contentment are at present the rule with regard to promotion and retirement in the Navy, and I am also sure that the large sum given by this House in 1870 has not had its desired effect. I think the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. Childers), who was not here at the beginning when I quoted the statistics supplied by Mr. Hickman, will see that the system—in-



stead of being as he hoped it would be at the end of three years—is in a state of considerable confusion; and that there is no prospect under the continuance of the present system, without larger infusions of the Order in Council than have been so judiciously made by the present First Lord, of any restoration of that efficiency, contentment, and economy for which he looked. The hon. and gallant Baronet concluded by moving for the Select Committee.

MR. HANBURY-TRACY: Sir, I rise to second the Motion of my hon. and gallant Friend, but I do so for reasons which differ very essentially from those he has expressed. He has moved for the appointment of the Committee because he believes the retirement scheme of 1870 was founded in error, and could not possibly be made to work well. He (Sir John Hay) never was a friend to that plan and I fear he never will be. I, on the contrary—believing that the retirement scheme of 1870 only requires expansion and to be carried out in its entirety to be a great success—wish that a Committee may be granted in order that it may receive that development which is essential to its well working. That retirement was carried by my right hon. Friend the Member for Pontefract, when he was First Lord of the Admiralty, in the face of great opposition, but it had been designed with the greatest care, and it had been elaborated by the right hon. Gentleman with a full knowledge of the complicated state of the lists. I know it was honestly intended to put an end to a chronic state of grumbling, to stop that continued, almost annual meddling with the retirement lists, which had brought about such a mass of different schemes that the Navy List had at last obtained a retirement for any letter in the Alphabet, which required a lifetime to understand. In my humble capacity, I have always, inside this House and out of it, supported that plan, and I have always thought that my right hon. Friend was the only First Lord who ever had the courage to deal with it as a whole, and in a comprehensive spirit, for the good of the entire service. His main principle was to decide what the numbers on the active list ought to be, not only in reference to the peace establishment, but also for the requirements of war, and once having settled

that, then to reduce the number to that point, keeping the officers—although, perhaps, somewhat smaller in point of numbers—yet thoroughly efficient. He saw that the great fault of our system had always been having quantity, not quality; the maintenance of an enormous number of officers, which you were totally unable to give employment to, and the large body of whom were therefore rendered inefficient and discontented. In carrying out the details my right hon. Friend endeavoured to avoid, as far as possible, giving cause of complaint, and, by large and liberal retirements, he hoped to clear the lists, and reduce the number of active officers to the point he had determined on. Unfortunately, Sir, my right hon. Friend became ill and was obliged to quit office at the critical moment when he of all men was absolutely necessary at the head of that Department in order to see the scheme carried out in its entirety, to expand and adapt the details as circumstances might arise. Nothing could have been more untimely, nothing could have been so prejudicial to the good working of such a delicate piece of administrative machinery than the loss at that moment of the fountain-head and author of the scheme to guide and direct. Although my right hon. Friend offered considerable inducements in order to clear the lists, it was, I think, thoroughly understood by the House, that if they were not sufficient to bring about that desired end, he was determined after the experiment had been fairly tried to take such further steps as might be necessary. Of this I am quite certain that the fundamental key-stone of his plan rested on the lists being brought down, and all the vast improvements which he fondly predicted to flow from his scheme were based on having a small but thoroughly efficient body of officers, in the place of an enormous unworkable number and inefficient so-called active lists. It is melancholy after the great and confident expectations raised in 1870, of reduced lists, of constant employment, bringing with them an even flow of promotion, and officers in a high state of efficiency, to look at the present Navy List, and to compare it with that of 1870. Three years have passed away, and yet what do we find. A block in all the lists; great want of employment; many of the very best officers remaining on half-pay

*Sir John Hay*

for years and years in a state of perpetual despair, obliged to live on a miserable pittance which hardly keeps them from starving, and with little prospect of obtaining employment until years of idleness have passed by, until by the natural course of events they must be far less efficient, far less zealous, and far less able to take command of our vessels. My belief is that had my right hon. Friend the Member for Pontefract remained at the head of the Admiralty means would have been found long ago to have reduced the lists, and that this state of things would not have occurred. In saying this, I have no wish for one moment to say a single word which could be thought disrespectful or uncourteous to my right hon. Friend now at the head of the Admiralty. He has had in a very brief time to master all the difficult technicalities of the service, not only of the *matériel*, but also of the *personnel*, and it is not surprising that he should not at once have seen the urgent necessity of bringing the lists down to the point determined on in 1870. The remedy is very simple. There is only one way of effecting it, and that is by going boldly into the field and giving such ample and liberal retirement or such other appointments as will, in the shape of a pecuniary bribe or employment, induce the requisite number to leave the active lists. I know of no intermediate course which can be adopted with justice to the officers. What is now the present state of the lists as compared with what you said was essential in 1870? You laid down that with due regard to the necessities of war the number required of active officers should be—flag officers 50, captains 150, commanders 200, lieutenants 600. The First Lord of the Admiralty in introducing his scheme stated that he had arrived at these figures after the most careful investigation. Now, Sir, I am aware that there are some officers who think that these numbers are too small, but I think it is unnecessary to argue that point. I start on the general assumption that these numbers have been accepted as sufficient, and that these officers, especially the captains and commanders, if kept thoroughly efficient, would be ample for every emergency. I desire to argue on the premise on which the retirement scheme was based. In 1871, after the scheme had been in operation one, year

you had 10 flag officers over the complement—82 captains and 125 commanders. In May, 1873, you have certainly got the flag list to within 6, but you have 76 captains over the list, and 106 commanders. Practically speaking, it may, I think, be fairly stated that, although some lists are brought down in these important branches, no progress whatever has been made. As a necessary consequence of this you are obliged to retain enormous numbers unemployed. At the present moment I find you have 138 captains and 147 commanders on half-pay, all anxious and desirous for service, rusting ashore, and in very few cases doing anything to retain their efficiency. The right hon. Gentleman the Member for Pontefract (Mr. Childers), in 1870, in describing the small number of officers employed, stated—

“we would propose a plan of promotion and retirement which would, so far as we could judge, get rid of that terrible blot upon our Navy, the redundancy and unsatisfactory employment of our officers. . . . the system of keeping up an excessive number of unemployed officers is open to three objections. In the first place, it is very uneconomical; in the next place, it is very mischievous, by creating discontent among the officers who are constantly on half-pay, and by causing continual agitation for increased pay; and, thirdly, it produces great inefficiency, because in these days if an officer is on shore for a long time he gets behindhand with the improvements that are always going on.”—[3 *Hansard*, cxcix. 930-31.]

Well, Sir, in 1873, three years after this statement was made, I find that whereas in 1870 you had 109 captains promoted within five years, and only 10 officers serving, in 1873 you have had 91 promoted during five years, and only five employed; and whereas in 1870 you had then 123 commanders who had been promoted during three years, and only 23 serving, you had, in 1873, 88 commanders who had been promoted during three years, and only 29 serving. Notwithstanding you succeeded in 1870, during the first year, in reducing the list of your captains and commanders, it was far more nominal than real. What you did was this—You at once cleared off the dead weight; you swept off those who, having long given up all intention of serving afloat, were delighted to go into retirement—amongst them many men who had not been afloat for years, and had not sought employment, and to this extent a great benefit was effected. But the main difficulty

in reducing the active list was not in dealing with this description of officer, because it was well known that, to all intents, they had long and practically given up the service as their profession. The main point was to know what to do with the next stratum, having weeded out all the dead weight, how to get rid, for the benefit of the service, of a certain portion of the young and active, and here the Navy has deeply felt the loss of the right hon. Gentleman the Member for Pontefract. Let us take the list of captains and commanders as being the two which are the most important. To the most uninitiated it was self-evident, in 1871, that some further step must be taken as a temporary measure. You had arrived at the point where you found you had to deal with a list full of officers, anxious to serve—men who had served their country in distant climes with zeal and intelligence, who had a vested interest in employment and promotion. If for the good of the service it was found, from the altered state of the profession, absolutely necessary to reduce the list still further, it was essential that it should be done with the greatest care, with the most scrupulous justice, that the feelings of those officers, who were to be asked to give up their profession, should have been consulted, and that no steps should be taken which were not dictated with the utmost liberality. In April, 1871, you found yourself with 233 captains and with 312 commanders, most of them being in the prime of life, and the *élite* of your service; of these you were bound to get rid of 83 captains and 112 commanders in order to carry out the policy of 1870, and to enable the retirement scheme to have a fair chance of getting into working order. Well, Sir, there were two courses open by which this could be effected—one, I may be allowed to term a policy of justice and the other a policy of injustice. A policy of justice would have brought with it contentment and an instantaneous remedy. You could have gone to a certain number of those officers, and said—"We are sorry to blight your prospects of advancement in the profession, but it is impossible to find employment for so many, and it is imperative to reduce the list, therefore we are prepared to make ample compensation. We will give a bonus of so many years sea service, and a step in rank, or so

much money down to buy you out, provided a given number will elect to take it." The cost of this would have been a mere flea bite compared with the benefits which the country would at once have secured from the extra state of efficiency the remaining officers would soon have attained to. Then, again, it would have been quite possible to have reduced the cost by giving appointments in connection with your Naval Reserves, or employment under the Board of Trade. Surely, Sir, 100 or 150 naval captains and commanders in the prime of life would have been the very best material to have made available for these purposes. It would, I undertake to say, have required a very small amount of administrative ability to have found positions for which these officers were so eminently fitted to fill. Instead of this, up to this moment the very opposite policy has been adopted, which I, with all deference, cannot help calling a policy of injustice—one which is as unjust as it is niggardly and hurtful to the service. I must say that I think the Admiralty have been very much to blame after the strong assertions made from the Treasury bench in 1870, to have allowed three years to elapse without taking some more active steps in a fair, generous, and liberal spirit to reduce the number. I do not attribute the blame to the right hon. Gentleman at the head of the Admiralty individually, because until he had been at the head of affairs a considerable time it was impossible for him to be aware of the great importance of the subject; but I think there is no excuse for the Admiralty as a public administrative body. For the last two years they have endeavoured to starve a certain number of officers into submission by keeping them continually unemployed. I must recall to the remembrance of the House the fact that liberal as the scheme of 1870 undoubtedly was, it was based upon service, and that according to age and number of years employed the amount of retirement pension depended. After that Order in Council it became, therefore, of the most vital importance to obtain employment. My right hon. Friend the Member for Pontefract also introduced a clause into that scheme that non-employment for five years as commander or seven years as captain would necessitate retirement. I remember very well that the sole inten-

tion of this was to prevent officers blocking the lists who did not care to serve, and I am confident that nothing so unfair ever entered into the mind of my right hon. Friend as to use this clause as a lever to clear the lists. Now, however, it is perfectly clear that before long it must operate to compulsorily retire large numbers of officers who are anxious to serve, and whose non-employment is in no way due to them. The effect of this is that the double hardship is perpetrated—you offer liberal retirements based on service, and then you force men into retirement without putting it into their power to obtain that service on which it is based. [Mr. Goschen: We have not retired any one compulsorily, and do not intend to do so.] I am very glad my right hon. Friend has made that statement, and though I could point out two cases in which it has taken effect, I will not dispute the point further. One thing, however, is self-evident—namely, that as there are a large number of officers who have nearly run to the end of their five and seven years, some immediate steps must soon be taken to give employment, unless inducements are given to retire. The other day my right hon. Friend at the head of the Admiralty said that he feared no pecuniary inducement would even now effect a reduction of the list; but I can assure him that he is mistaken. During the last six weeks I have, in concert with several officers acting as a Naval Committee, been in communication with some 250 captains and commanders, and I therefore can speak with some authority on the matter. I am confident that it only requires a fair proposal to be offered by the Admiralty to induce the requisite number to quit the active list. Does the House realize what being condemned for a long term of years to half-pay means in the present day? It is a very different thing from what it used to be. Formerly, it was looked upon as a moderate but sufficient maintenance. No change has been made for 50 years, and what was plenty then is now almost starvation. Sir, the great evil in the constitution of our Naval Service—the great bane of the English Navy—is the system of condemning our officers for years and years to a miserable half-pay, with enforced idleness. My right hon. Friend stated this so clearly—especially as regards efficiency—that I cannot do better than quote his words—

"I wish to point out a still more injurious result arising from our having too large a number of officers, and I make this statement with a full sense of its importance, and on my responsibility I feel no hesitation in saying that it is injurious to the efficiency of the Navy. Communications which I have received within the last two months from Admirals and officers in command in all parts of the world convince me that though our Naval officers are as gallant men as are to be found in the world, and as willing to do their duty, yet there is want of efficiency among them, arising from want of employment. You cannot expect adequate experience from captains and commanders who are for two-thirds of their time on shore."

These are the evils which it was intended to remove, and which I trust the House will insist shall not be allowed to remain. I find that it is still no uncommon thing—indeed, it is the usual custom—for captains to be appointed to vessels, who, if you reckon their time of service from the date they were promoted to commanders, have been 12, and sometimes 14 years, during which they have only been actually at sea three, four, or five years. Think of this, Sir, at a time when you have vessels worth £250,000. Would it be allowed in any private firm? Would it be tolerated by any foreign country? Can it be to the advantage of this great country to allow such a state of things to exist? In France and in America, if I understand their system rightly, no officer is obliged to be ashore more than two years, and even during that period he is attached to some port and to some committee, where he has the means and the opportunity of keeping up and improving his professional knowledge. We alone, who pride ourselves on being economical, condemn the system in 1870 as costly, extravagant, and inefficient, and yet allow the same state of things to flourish in 1873. I can imagine nothing more pitiable or more unenviable than the position at the present moment of many of our senior commanders. Most of these officers have, from long service, justly earned their promotion, and yet, year after year, they find themselves passed over by many of their juniors. They ask for employment, and cannot obtain it, and are forced to exist on a miserable amount of 8s. 6d. or 10s. a-day until, at last, worn out in mind, and disgusted with the profession it was their pride to belong to, they find themselves starved into submission, and they retire. I know it was part of the

policy of my right hon. Friend the Member for Pontefract to keep half-pay low, with the view of making officers anxious for employment, but it was his fundamental object that there should be employment for all who desired it. Picture to yourself, Sir, the condition of many and many a deserving officer led to marry by a fair prospect of promotion, and by the usual tradition of the service that he would in his turn obtain employment, and some day become an Admiral. Fancy this poor officer striving to support a family on 8s. 6d. a-day, and condemned to see employment given away, and juniors promoted over his head without any recognized system, and with the knowledge that it all depends on the caprice and the ideas of the private Secretary and the First Sea Lord. I have received piles and piles of letters of the most distressing character, which show only too clearly what misery is being experienced. To add to the continued penalty of poverty, you have devised that most inhuman torture—endless suspense. Month after month your commanders and captains visit the Admiralty, asking for employment, but you have not the courage to tell them the truth that they are never to be employed again. Would it not be the commonest kindness to put some of those officers out of their misery, and to tell them their fate, and let them seek from other employers that due reward of their service which you refuse to give. There never was a time when promotions were so cavilled at owing to their small number. Nothing could be worse than the present system of promotion. I know that my right hon. Friend would not for a moment permit any officer to be promoted from political or interested motives, and I am sure that no one can accuse him of any of those gross promotion scandals which used to be of so frequent occurrence. It would be impossible to select a more favourable moment for criticizing the mode of promotion. Of the two officers who advise, Admiral Sir Alexander Milne is allowed on all hands to be one of the best officers of the Navy, and Captain Tryon is deservedly popular, and above all suspicion of jobbery. But, Sir, I maintain with every intention to act fairly, and to promote the right man under the existing system, it is almost impossible to do it. The First Lord

consults his two professional advisers, and thereupon makes his selection. It is impossible, with this limited knowledge, to make just promotions. I give every credit to the motives which actuate the private Secretary and the First Naval Lord, but how is it possible that they can know every officer? They naturally look amongst the officers they have served with, and those must practically receive the preference. It is impossible to pick up any professional paper without becoming aware of the fact that there has been great irritation lately against many of the promotions which have been made during the last few years. Seniority tempered by selection—which is the mode under which our lieutenants and commanders are supposed to be promoted—must be carried out not only with the utmost fairness, but it must be by a plan of selection, which inspires confidence in the service, or public opinion will force you into a pure seniority system, which I for one should greatly deplore. I apprehend the only feasible and sensible plan is to adopt the French system of a *conseil d'avancement*. There you have a body of seven or eight officers outside the Admiralty whose duty it is to examine into all the Reports, and to make minute investigation and to submit names for promotion after the most careful and elaborate inquiry that it is possible to make. With such a council it is absolutely certain that every officer's claim must be known by one of the council and cannot be neglected. After the list is formed it still rests with the First Lord or Minister of Marine to make his selection, but he cannot go beyond this. In this way I am informed by officers of great authority, that little if any complaint is made respecting the promotion, and it is found to work very well. If this were carried out, I apprehend you would hear far less of constant criticizing which every promotion now gives rise to, and you would then be enabled to carry out an improvement which must come before long—the selection of your captains for the rank of Admiral. Is it not a great farce that however incompetent a captain may be, he must of necessity become an Admiral, provided his age admits. Where you have a limited number of Admirals you must have the *élite* of your service. The other system was tolerated when your

lists were so large that you had ample choice, but having once restricted the numbers, selection must follow. There were many, who, like myself in 1870, looked forward to this and other measures as certain soon to follow. We thought that three years would not elapse before death vacancies would be limited, if not abolished, before some sort of educational course would be instituted to qualify lieutenants for the rank of commander, not as an examination but as a test, and before attempts would be made to arrange a more certain retirement for lieutenants. We certainly did not think that after the declaration made from the Treasury bench it would be possible three years after to find the lists still blocked, and no promotion or employment. When I urge constant employment, I do not mean that it should of necessity be sea service, but that in lieu of half-pay with enforced idleness, you should attach your officers, when not at sea, to ports, dockyards, committees, and surveying vessels where they would be continually keeping themselves alive to all the changes and requirements of the time, and thus increasing their efficiency. If this policy is pursued in the French Navy, and found to be successful, surely we might adopt it with safety. Sir, I will not trouble the House further in the matter, I will only say that I am confident if the Committee is granted it will prove that the retirement scheme of 1870 has already done great good to many classes of officers, but that an imperative necessity exists for bringing the executive lists into a more healthy condition. As I have already said, the retirement scheme was based on reduced lists, and until this is done it will not have had a fair trial. In the present day, when vast improvements and alterations are being carried out, not only in the construction of your ships but in the science and art of war—when five short years are sufficient to revolutionize the whole aspect of modern warfare, it has become absolutely essential that our executive officers should be well trained in technical and scientific information of every description, that they should be zealous and contented, and that no special knowledge which they may have acquired should be allowed to rust. Our naval officers have ever distinguished themselves—they are worthy of higher consideration, of a more generous

policy than has of late been accorded to them. I maintain it is unfair to them, it is unjust to the taxpayers of this country; it is derogatory to a great naval nation to carry on a system which keeps your officers in a chronic state of discontent, and prevents them maintaining their efficiency, and which, looking at it in the most mercenary point of view, does not even give you fair value for the money spent. I beg to second the Motion of the right hon. Baronet.

Motion made, and Question proposed,

"That a Select Committee be appointed to consider the present system of Promotion and Retirement in the Royal Navy, and to report their opinion thereon to this House."—(*Sir John Hay.*)

MR. T. BRASSEY: Before I proceed to speak to the Amendment which I have placed on the Paper, I desire to explain that if the forms of the House had permitted, I should have preferred to present my Amendment as an Instruction to the Committee for which the hon. and gallant Baronet (Sir John Hay) has moved. My object, however, will have been sufficiently attained if I can succeed in calling the attention of the House to the proposals which I am about to make. The efficiency of the Navy cannot be maintained if discontent prevails throughout the service. The enforced idleness to which so many naval officers have hitherto been condemned, would, under any circumstances, be a fruitful cause of discontent, and from every point of view it is a great evil. The origin of the difficulty is not far to seek. It has been our policy to train up, in time of peace, a number of officers sufficient to command our fleets in time of war; but, having trained these officers, it is impossible to find employment for them in a peace Navy. It has long been an accepted axiom that the number of lieutenants must be taken as the datum line upon which the lists of officers in the other ranks of the service must, to a great extent, be determined. As to the number at which the list of lieutenants should be maintained, the Select Committee on Naval Promotion and Retirement of 1863, in their Report, say that, including lieutenants in the Coast Guard and other services, 1,000 is the lowest number to which the active list of lieutenants can be prudently limited. At the same time, they say

they were quite aware that this list is so large as to render the promotion of all the lieutenants on the list impracticable. By the recent Order in Council, the number of lieutenants has been fixed at 600; but without offering an opinion as to the wisdom of that reduction, it is sufficient for my present purpose to observe that the importance of finding employment is equally great, whatever be the actual numbers with which we have to deal, so long as a large proportion of the officers of the Navy are pining away in poverty or idleness on a miserable half-pay. For the purpose of maintaining the list of lieutenants at a number sufficient to meet the emergencies of war, it has been the practice of successive administrations to enter a far greater number of cadets than it has been possible to promote to the higher ranks of the service. When 200 cadets were entered in every year, and only seven officers were put on the flag list, it is clear that out of those 200 cadets, 193 were doomed to disappointment. They either died, or were put on the retired list. But, discouraging as are the prospects of the majority of the cadets who enter the Navy, the Admiralty is always beset with urgent solicitations from parents and friends for nominations to cadetships. This demand must be attributed to the desire of parents to obtain for their sons the advantage of the gratuitous education which is given to all-comers who aspire to become officers in the Navy. I strongly object to the principle of tempting parents in narrow circumstances, by the offer of this gratuitous education, to send their sons into a profession which is so ill adapted for those who have not the advantage of some independent resources. It has been urged by the most eminent officers that our naval cadets should be educated at a College ashore. But such an institution should be self-supporting, and the boys should be required to pay for their education in the same way as those who are trained for the Army at Sandhurst, and for every other profession. In support of this view, I may quote the opinions of Admiral Cooper Key, the Duke of Somerset, and many high authorities on naval subjects. If any exception be allowed to the rule requiring payment for the education of a cadet at a naval College, it should be limited to the sons

of naval officers. Passing from the nomination and the education of cadets, we have now to deal with the more difficult problem of finding the means of employing and promoting a body of lieutenants whose numbers, even under the reduced scale laid down in the Order in Council prepared by my right hon. Friend (Mr. Childers), are considerably in excess of the ordinary requirements of a time of peace. Nearly one-third of the lieutenants are now on half-pay. Various means can doubtless be suggested for dealing with the case of these officers. The propriety of allowing lieutenants more leave on half-pay than they at present enjoy deserves consideration. Naval officers, after a long commission abroad, or when invalided home from a foreign station, are as much entitled to the privilege as the officers of the Army. After an absence of four years, a year's leave on full-pay cannot be considered an over liberal allowance. Under the existing regulations, an officer does not enjoy more than six months leave on full-pay in the first 10 or 15 years of his service. But an adequate promotion, as well as employment, is required for deserving lieutenants; and in order to secure a sufficient flow of promotion, the number of officers in the superior ranks of the Navy is maintained at a standard considerably in excess of the ordinary requirements of the service. This plan of rewarding good service in the Navy is of old date. In 1816, at the conclusion of the War, lieutenants' commissions were given to all mates of above two years standing. More than 1,000 lieutenants were then made. In the French Navy, no officers on the active flag list are without employment. In the United States Navy, all the officers of lower grade, and almost all the Admirals, are employed. But with us, in consequence of the disproportion between their numbers and the amount of employment during peace, the commanders and captains are not employed at sea on an average more than one-third of their time; and in the case of the flag officers, the proportion of time on half-pay is infinitely greater. It is unnecessary to dwell on the insufficiency of the half-pay. A naval officer without private means cannot maintain a social position commensurate with his rank in Her Majesty's service. On the other hand,

the total amount of the non-effective Naval Vote is already so portentous, that no considerable permanent addition to that Vote could be entertained. Something might be done for the commanders and captains, both to improve their position in a pecuniary sense, and to give them more frequent opportunities of serving at sea, by employing commanders in lieu of first-lieutenants and captains in commanders' commands. But there is another means of relieving the overcrowded lists, to which I desire more especially on the present occasion to call attention. My proposal is that civil employment, of a kind for which naval experience is a fitting preparation, should be offered to officers for whom it is impossible to provide occupation afloat. There are two branches of the public service for which naval officers are thoroughly adapted. I mean the Consular service at foreign ports, and the surveyorships of shipping, under the Board of Trade, at home ports. The post of Consul at a foreign port can scarcely be regarded as a diplomatic appointment, though, if it were, I should be prepared to maintain that a well-selected naval officer would be as fit as most other men who would be available for the service. For the general business of a Consular office, nautical experience is an excellent preparation. The most important transactions with which our Consuls at ports abroad are accustomed to deal are connected with ships or sailors. When a British ship is wrecked abroad, and an application is made to the Consul for assistance, how much better qualified he would be to take whatever steps the necessity of the moment required, if he were himself an experienced sailor. The other class of civil employment to which I have referred is that of the surveyors of shipping under the Board of Trade. Some considerable technical knowledge of ship-building would be required in order to perform these duties; but it is a knowledge which a sailor would readily acquire. Character, indeed, is at least as essential as technical knowledge; and at present the salaries are so inadequate that it is difficult to induce men to enter the public service in this department, whose social position makes them independent of every kind of influence. If naval officers were appointed, their professional associations would make them

superior to temptation; and with their half-pay in addition to their salary under the Board of Trade, their positions would, without additional expense to the country, be made more satisfactory than those held by the majority of the existing body of surveyors. These surveyorships and Consular appointments would offer a wide field for naval officers unable to find employment in their own profession. The surveyors under the Board of Trade are not a numerous body, but their number may probably be increased in order to provide for that more active supervision of our shipping, which, whatever be the form which it may ultimately take, seems to be impatiently demanded by public opinion. The withdrawal of so many officers on half-pay from the active lists would have the effect of giving increased employment to those officers who continued to serve exclusively in the Navy, thus adding materially to their efficiency. The advantage of this more frequent employment has been strongly insisted on by our best officers. In conclusion, I would refer to a field of employment in which naval officers judiciously selected would find it in their power to render services of great value. For the Royal Naval Reserve a staff of naval officers is absolutely essential. The discipline, the drill, the organization, the appliances for instruction, of the Royal Naval Reserve have hitherto suffered from not being placed under the close and constant supervision of a sufficient naval staff. An Admiral at the head of the Reserve is required at Whitehall; a lieutenant should be present during the drills on the gun-deck; captains should be appointed to superintend the general organization in their several districts, and to combine the varied resources of the Mercantile Marine in an effective manner for the local coast defence. The value of the Naval Reserve has been sometimes called in question. If the Reserve is not all that it ought to be, it is because we have hitherto neglected to supply the means by which the force may be more perfectly organized. A very different spirit has prevailed in the organization of our reserves for the land service. There are general officers at the head, supported by a vast array of colonels and adjutants. But hitherto the entire burden of organizing the Naval Reserves has been cast upon a



member of the Board of Admiralty already overtaken by his other duties. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

Mr. LIDDELL, in seconding the Amendment, said, he felt such a love and interest for the Navy that he was induced to offer these remarks. He condemned the hard-and-fast line which had been used for the purpose of reducing the numbers of the senior members of the service. Any line drawn by the Admiralty which retired such men as his hon. and gallant Friend (Sir John Hay) bore upon its face its own condemnation. What the Admiralty ought to do was to act upon the service at both ends; they ought to limit the entries in the first place, and to establish a more generous scheme of retirement for the senior officers. If he understood the French system, there existed in it a principle wholly unknown in this country. In France there was a regular flow of employment for naval officers which never stopped. They were employed either at the Bureau de la Marine, or at sea, in the dockyards, at the arsenals, or on a duty unknown in this country—namely, organizing Naval Reserves, both offensive and defensive, in the ports. If we would consent to trust in time of war more than we had hitherto done to our Mercantile Marine for our second line of defence, we might safely limit the entries of young officers in time of peace; and by founding a generous system of retirement, we might maintain an efficient state of the Navy without those grievances and complaints which it would be cheap at the expense of hundreds or thousands to avoid.

Amendment proposed,

To leave out from the word "consider" to the end of the Question, in order to add the words "how far Naval Officers on half-pay can be more generally employed in the Consular Service, and in the numerous appointments under the Marine Department of the Board of Trade,"

—(Mr. Thomas Brassey.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CHILDERS: Sir, it may be convenient to the House if I make some remarks on this Motion before my right hon. Friend the First Lord of the Ad-

miralty. The Motion, it is true, relates not only to the great changes which were effected while I was First Lord, in the rules of promotion and retirement, but also to the recent Acts of the Board of Admiralty, with which, of course, I am not conversant. But the main part of the hon. Baronet's attack is undoubtedly directed at the Order in Council of 1870; and so far as time allows, I should like to reply at once to that attack. I do so at great disadvantage, for I did not hear the hon. Baronet's speech. The unexplained absence from his place of the hon. Member for South Hants has deprived many of us of two debates, while others like myself who were not concerned with them, have missed what we wished to hear on the present subject. But I will reply to so much of the hon. Baronet's statements as have reached me. Let me now in the first place explain what were the circumstances in 1870, which led, to what is properly called, the "scheme of retirement," then established. Since the Crimean War it had been an acknowledged axiom that the number of naval officers was excessive. But the full force of this had hardly ever been admitted at the Admiralty, and the reductions which were made did not even keep up with the altered state of naval affairs from year to year. The substitution of vessels of new type for our old ships, a wiser policy as to England's share in the police of the seas, and other economical tendencies, were causing a rapid diminution in the amount of employment available for certain classes of the service. Nor was this the only difficulty. There was no method, no intelligible principle, I may say, in the rules as to pay, promotion, or retirement, as between different branches of the profession. Every class had its grievance, because it found some other with which it could make, in some respect, an unfavourable comparison. Each, in turn, found some friend at the Admiralty or in Parliament, and almost the only result of improvement in one class was the jealousy of other classes. In respect of retirement the scale and the conditions were unsatisfactory and inadequate throughout; and the same might be said of the pensions of the lower class of officers. Perhaps the House will allow me to give a few figures. Taking what is called the military branch first, there were, in

1858—a year or two after the Crimean War—2,100 officers of the rank of flag officer, captain, commander, and lieutenant. In 1870, all we wanted of these ranks was 1,000. But the previous three retirements of 1860, 1864, and 1866 had only brought the numbers down from 2,100 to 1,600, and the percentage of employment, which had been so low as 46 per cent at the former date, was still only 50 per cent in a list of younger men. On the other hand, while the Admiralty reduced the upper ranks by about 50 a-year, they absolutely entered not only as many, but far more naval cadets than were required for the larger number, and, in fact, taking the upper and lower ranks together, were increasing instead of diminishing the number of officers. In 1857 the number of entries was 105; exactly the number of officers who died, retired, or were dismissed in that year. But from 1858 to 1868, inclusive, the number of cadets entered was 1847, or about 170 a-year; while the total number of officers from Admiral to cadet who died or retired from the service was only 1,543, or 140 a-year. Professing, therefore, to reduce the number of officers, the Admiralty were really increasing it; with the additional circumstances that the inconvenience did not fall on themselves, but would only begin to tell on the lists when the cadets they nominated became lieutenants. I had, therefore, to deal with a list, the upper part of which had been insufficiently, but still, to a considerable extent, lessened, while the lower part had been enormously and most unnecessarily augmented, the diminution of employment being at last palpable to everyone. Nor was the case better in other branches of the services. The paymaster and clerks' list was more excessive in proportion even than the military officers. There were too many navigating officers, too many engineers, too many medical officers of the highest ranks, too many warrant officers. My predecessor had largely reduced the Marines, but increased the marine officers, leaving me a task the very reverse of agreeable in respect of this corps. And my hands were not a little tied by a part of the Orders of 1866—the supposed favouritism of which had all but produced a rejection of the Vote in the House of Commons. What I did in 1869-70 may be stated in a few words.

There were altogether about 7,850 officers of the Navy and Marines; and I took in hand their reduction to about 5,500. I put the regulations as to retirement, half-pay promotion, and sea-time, on as nearly as possible an uniform and simple basis, greatly improving in nearly every instance the pecuniary rights of the officer. I did my best to counteract, in spite of social pressure and a hostile Motion in this House, the privileges which certain officers had claimed, being anxious to treat all alike, from flag officer to midshipmen. And in respect of pay, I made very large additions to certain classes. The result, in spite of the hon. Baronet, I affirm, to be satisfactory. The grievances and the difficulties of two-thirds—I think I may say three-fourths—of the service have been removed. Except on a question which has no connection with number or retirement, even the navigating officers are satisfied; and the same may be said of every other class but the captains, commanders, and lieutenants on the military list. Here, I admit, the work is not complete. The list of these ranks, which numbered 2,100 in 1857, and 1,600 in 1869, and which ought to have come down to 1,000, still numbers above 1,250. It is with these 250 or 270 that we have now to deal. The hon. Baronet, I am aware, is not satisfied with this view of the case. He thinks we have too few flag officers, and by comparing the ages of the 56 youngest of each rank in 1870 with those of all the 56 in 1873, he has persuaded himself that we have actually older officers now than then. He has also calculated that even were the Order in Council in full operation it would not produce the amount of promotion and retirement really required. Now, on this point I must trouble the House with some figures. I have taken great pains to calculate, on the basis of the numbers established by the Order in Council, what promotion may be fairly expected; and I will give roughly the result. The problem to be solved is how many retirements—the probable deaths being determined by the usual scale—will give an average promotion to each rank at the right age? I take 23 as the desirable age, on the average, for promotion to lieutenant, 32 to commander, 38 to captain, and 53 to Rear Admiral; and I assume the number of those ranks to be

600, 200, 150, and 50 respectively. Now, I assert that if 70 cadets are annually entered, the Order in Council being in full operation, the proper promotion will be secured, if 21 lieutenants, 11 commanders, 5 captains, and 5 flag officers retire annually; and that the provisions of the Orders effectually secure an average retirement to that extent. For instance, if every Rear Admiral must retire at 60, and every vice or full Admiral at 65, it is certain that out of a list of flag officers, the youngest of whom is about 53, there will average 4 compulsory retirements and 2 deaths yearly. Allowing only one optional retirement, this will give 7 captain's promotions. Again, on a list of 150 captains from 38 to 53, there will be 3 deaths annually. At the rate in 1872 and 1873, there would be 10 retirements; but taking these only at 5, we should have 15 promotions for commanders. Similarly we may anticipate 4 deaths annually in the last-named rank, and at least 11 retirements; and this would give 30 promotions from the rank of lieutenant. Again, allowing nine years for service in this rank as the average of those who obtain promotion, there will be an ample margin of officers not promoted—and we must always allow for this in the lieutenants rank—if against 60 annually promoted from sub-lieutenant we set 9 deaths out of 600, 21 retirements, and 80 promotions to commander. An annual entry of 70 cadets will barely produce 60 lieutenants a-year, so that my calculations err if anything on the side of caution. There is therefore practically no doubt that once fully in force the Orders of 1870 will ensure for the military branch what they have already given to other branches of the service—adequate promotion and retirement on liberal terms. Sir, I confess I attach great value to the maintenance of the principle of these Orders. My hon. Friend the Member for South Northumberland (Mr. Liddell) has referred to a particular case, and has said that any rule which enforced the retirement of such an officer as the hon. Baronet (Sir John Hay), must be a bad rule. I admit that the hon. Baronet's case appears a hard one. But he had been offered employment which he had declined.

SIR JOHN HAY said, he thought it a great misfortune that personal questions were brought before the House. He had carefully omitted doing so him-

self, and he extremely regretted the reference which his hon. Friend had made to his own case. He was quite prepared to explain the circumstance to which the right hon. Gentleman alluded, if the House really cared to hear it. He denied having ever declined any appointment which he could have accepted with honour, and when he did decline he referred the question to his right hon. Friend the late Member for Tyrone (Mr. Corry) and his right hon. Friend the Member for Buckinghamshire who both said that he could not accept it with honour.

MR. CHILDERS: Every man must be the judge of his own honour. The hon. Baronet does not dispute the fact of my offer of employment, and I wish to carry the controversy no further.

SIR JOHN HAY said, he did dispute the facts. The right hon. Gentleman had alluded to two occasions—one when, happening to meet his private Secretary in 1869, he said to him—"My man is very sweet upon you; if you let me know you want employment I shall be happy to get it for you." He supposed that to be a joke. The next occasion was a year and a-half afterwards, when the retirement scheme had been carried, and when an offer of employment was made which he had referred to his right hon. Friend, who decided that the office was one which he ought not to accept.

MR. CHILDERS: I mentioned the case because my hon. Friend almost challenged me to do so, and I gave it as an illustration of the old saying about hard cases. To go back to what I was saying I trust that the sound principles we laid down will be observed, however their application in detail may vary from time to time. Do not let it be supposed that in calculating the necessary numbers, we omitted the reserve for war. We fully allowed for this, and I should greatly deplore any further extension on this account. Everything, indeed, points in the other direction, and I find myself in certain quarters blamed now for the moderation of my reductions. Indeed, the very same persons, and their organs in the Press, who attacked me in 1870 for over reducing the lists—especially the captains and lieutenants—and if I am not mistaken, threatened me with a Motion on the subject in Parliament, are now the loudest to complain that in these very lists the reductions effected

are inadequate and prevent sufficient employment. Hit high or hit low, there are some forms of opposition which nothing satisfies. Let it be remembered that in these days of progress, you cannot have an efficient Navy unless they are adequately employed at sea. Just as we decided to maintain an annual rate of shipbuilding, so as to keep with the times in mechanical improvements, so we determined to compel our officers to be, throughout their service, for an adequate time at sea, so as not to fall behind in scientific knowledge and practice. It is a libel on this policy to say that economy was its first object. Our main view was the efficiency and contentment of the service; but the result has been economical. The figures which have been quoted to-night have no reference whatever to either what I promised, or to the out-turn. I have carefully compared the cost to the country of the pay, half-pay, and retired pay of naval officers in each year from 1867 until now, not omitting to allow for commutations; and I find that whereas I estimated, and informed the House in 1870, that there would be a large increase of charge during the first two years, that increase was limited to the first year, and that the net cost is now £50,000 a-year less than in 1867-8, and just the same as in 1869-70. There is, therefore, a fair margin for some further action to bring down the excessive number from 1,270 to 1,000; and I hope my right hon. Friend will not shrink from a bold measure. I repudiate, as much as any one, the notion that through the time clauses of the Orders it was intended to drive out of the service efficient officers; and as only two cases have been even alleged, I think the action of my right hon. Friend in the past is fully justified. But he will have my warm approval in any scheme inducing a further number voluntarily to retire; and I sincerely hope that he will not listen to the plan of the hon. Baronet, which would work great mischief. I thank the House for having allowed me to defend a reform, every part of which I believe to be sound in principle, and certain, when in full operation, to be cordially accepted by the opinion of the Naval Service.

Mr. F. STANLEY observed that, however sanguine the expectations of the right hon. Gentleman might be, they

had before them the fact that by his own acknowledgment the hopes held out to them in 1870 had not been realized. That circumstance alone was sufficient to justify his hon. Friend's demand for an inquiry. Again, the public expenditure had not been diminished by the new scheme, as they were told it would be; on the contrary, as the right hon. Gentleman had himself shown, it had been increased by the sum of £8,000. The right hon. Gentleman said that the criticism of the scheme was different now from what it formerly was, but it should be remembered that they spoke now from experience of its working, which was also different. He intended to support the appointment of the Committee, and he regretted that its advocacy had fallen into such weak hands as his own, in consequence of the illness of his noble Friend (Lord Henry Lennox) who sat beside him.

Mr. GOSCHEN said, he felt it due to Captain Sherard Osborn to state that he accepted command on the usual terms, and only applied to be relieved of it on account of unexpected events, the Admiralty at first refusing his application, but afterwards, on the recommendation of the Commander-in-Chief, acceding to it. There was no understanding on either side that his command would be a short one. The Admiralty had now under consideration a scheme for further improving Retirement, and there was every prospect of its being carried out. They wished to reduce the lists, but they had not endeavoured to effect this by forcing officers off and refusing to employ them. As to promotion, heartburnings had always existed on account of their being so many excellent officers and so few opportunities of promoting them, and the present state of things was no worse than formerly, while the anxiety to investigate every case was as great as it had ever been. The Government were so anxious to find increased employment for the officers, if possible, and also further inducements to retire that they would accept the Amendment of the hon. Member for Hastings (Mr. Brassey), and there being no difference of opinion as to the necessity of dealing with the case of the unemployed officers, he trusted the hon. Baronet would not divide.

Mr. BARNETT said, he had been told that there were four Admirals on

*The Navy List* for active service whose united ages amounted to 335 years. If that were true, it was necessary that some farther scheme of reduction should be set on foot.

SIR JOHN HAY offered to withdraw his Motion on the understanding that the Committee would have power to inquire why the necessity for finding additional employment for officers had arisen.

MR. GOSCHEN declined to agree to such an understanding.

Question put.

The House divided:—Ayes 64; Noes 81: Majority 17.

Words added.

Main Question, as amended, put, and agreed to.

Ordered, That a Select Committee be appointed to consider how far Naval Officers on half-pay can be more generally employed in the Consular Service, and in the numerous appointments under the Marine Department of the Board of Trade.

#### EDUCATION OF BLIND AND DEAF-MUTE CHILDREN BILL—[BILL 53.]

(*Mr. Wheelhouse, Mr. Mollor*)

SECOND READING.

Order for Second Reading, read.

MR. WHEELHOUSE, in moving that the Bill be now read a second time, said, its object was to do for blind and deaf-mute children what the Education Act of two years ago did for the rest of the community.

MR. HIBBERT opposed the Bill, as one that would burden the ratepayers with the expense of providing for the education of children whose parents were quite able to provide for such education themselves. This Bill was worse, instead of better, than its two predecessors.

Motion made, and Question, "That the Bill be now read a second time," put, and *negatived*.

#### RATING (LIABILITY AND VALUE) [PAYMENT OF RATES].

*Considered in Committee.*

(*In the Committee.*)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of rates in respect of property occupied for the purposes of Government, which may become chargeable thereto under any Act relating to the Liability and Valuation of such Property for the purposes of Rates.

Resolution to be reported *To-morrow*.

House adjourned at a quarter after One o'clock.

*Mr. Barnett*

## HOUSE OF COMMONS,

Wednesday, 11th June, 1873.

MINUTES.]—NEW WRIT ISSUED—*For Resurrection, v. Colonel the Right hon. Fitzstephen French*, deceased.

PUBLIC BILLS—*Ordered*—Conspiracy Law Amendment\*.

*Ordered—First Reading*—Civil Bills, &c. (Ireland)\* [187].

*Second Reading*—Roads and Bridges (Scotland) [45]; Factory Acts Amendment\* [47], *debate adjourned*.

*Committee*—Prison Officers Superannuation (Ireland)\* [142]—R.P.

*Committee—Report*—Grand Jury Presentments (Ireland)\* [170].

*Withdrawn*—Local Government Provisional Orders (No. 4)\* [174].

## ROADS AND BRIDGES (SCOTLAND)

BILL—[BILL 45.]

SECOND READING.

Order for Second Reading read.

SIR ROBERT ANSTRUTHER, in moving that this Bill be now read the second time said, that his apology for having embarked in a measure of such magnitude was that he had for many years been engaged in the consideration of matters connected with road legislation; in connection with the noble Lord the Member for Haddingtonshire (Lord Elcho) in 1865; and subsequently as a member of the Turnpike Trusts Continuance Committee. In October last a meeting on this subject was held at Edinburgh, when a Resolution was almost unanimously passed in favour of such a measure as he now proposed, and he was requested to bring in a Bill accordingly; and although he was aware that, as a private Member, he was incompetent to carry through such a measure, he had not thought it right to refuse the request from such a quarter. So far as the principle of the Bill was concerned he was convinced that it ought to receive the sanction of the House. He did not desire to commit the House to the details of the measure, many of which were doubtless open to and would receive revision in Committee, should the Bill reach that stage, but it was not difficult to show that the principle of the Bill was such as the House might very fairly affirm, and such as had already received legislative sanction for England. The measure was founded on the Report

of a Royal Commission of 1859. The Commissioners stated in their Report the effect of the evidence they had received of the evils and inconveniences attending the toll system, and they added that the rapid extension of railways and the consequent diminution of the existing road traffic had materially altered the position of many trusts hitherto prosperous, and whose roads were in good condition, and they said that should there be any further fall of revenue, as was to be anticipated, there was reason to fear that the roads would soon be allowed to deteriorate. If this was true in 1859, it was quite as true and even more so in 1873. If the allocation of the tolls was unequal and unjust then, by what possibility could they be equal and just now? Since 1859 railways had so rapidly extended throughout the country that the argument of the Commissioners as to the result had been greatly strengthened; nor would it be difficult to show that both in Scotland and England the public mind was set upon an alteration of the system of road revenues. So strongly, indeed, did public opinion confirm the Report of the Royal Commission, that since it appeared no fewer than 14 counties in Scotland had, at very considerable expense, obtained private Acts almost exactly carrying out the principle recommended by the Commissioners, and contained in the Bill he was about to ask the House to read a second time. A statement had been prepared which showed the result in those counties which had adopted that principle; and though they did not in every case bear out his conclusions, yet on the whole they were conclusively in his favour. For instance, in Banffshire, which before they got their private Act raised £3,665, the assessment in 1871 was £4,424; in Elginshire the sum raised by tolls in 1862 was £3,427, and the assessment in 1871 £4,480. Selkirk, again, was a very prominent example of the excellence of the new system as compared with the old. In 1867 the sum raised by tolls in Selkirkshire was £1,007, and the sum raised for statute labour by the farmers and occupiers of land £2,430—making a total of £3,437. Under the new system the assessment was only £2,252; so that the occupiers who before paid the whole of £2,430 now only paid the half of £2,252, or £1,126. This being the case in Sel-

kirkshire, it was not unfair to assume that similar results, though probably not so large, would be found to obtain in other counties. The present Bill was practically, with certain amendments and improvements, the same as that introduced by the Lord Advocate in 1869, but it contained a clause which was not in the Bill of the Government, but which, he thought, was very important. One of the principal objections urged against a uniform rate of assessment of land and heritages was the inadequate share of taxation which would fall on mines, quarries, and public works, where the use of roads was very extensive, and the damage occasioned by the traffic was accordingly very great, and yet where the rental of the land was comparatively inconsiderable; and in order to meet the undeniable specialities of such cases, the Commissioners thought that such properties might be assessed at twice, or even three or four times the amount of the ordinary rate, as the case might be, on a warrant from the Sheriff or other competent authority, grounded on the certificate of the surveyor, stating that the injury to the roads by the traffic had exceeded double or three or four times the amount of ordinary rate payable in respect of such properties. He had introduced a clause of that nature into this Bill, because he thought that without such a provision it would be impossible to obtain a fair amount of assessment on such properties. At the same time, he did not think it would have any extensive operation, because most large quarries and mines were provided with tramways and did not use the roads at all. The only other clause materially differing from the Government Bill of 1869 was the last, under which power was given to those counties which had abolished tolls, and which were now raising road-funds by assessment, to adopt the present measure in whole or in part, as might be deemed expedient. He did not conceal from himself that there were difficulties involved in the question, and that what might be simple in a small agricultural county might be very difficult in a large metropolitan county. The difficulties were not, however, insuperable, as was shown by the fact that in certain great centres of industry tolls had been abolished, and it was absurd to say that what was done in London could not be done in Glasgow. But of the difficulties by

which the question was beset the greatest was that of the debt existing in most cases; but those who were experienced in road legislation must know that a great deal of this difficulty was exaggerated—partly in order to frighten people from bringing forward these measures, and partly in order to maintain an effete system, which was found to suit the officials connected with it. The Commissioners stated the nominal total of the debt on roads and bridges in Scotland to be upwards of £2,300,000—and they added that a considerable portion of this must be regarded as of very doubtful value, much of it being entirely irrecoverable. This was especially the case with regard to the interest unpaid, which had in many cases been kept on the books of trusts without any expectation of its ever being realized, and there would be no doubt that a considerable amount of debt secured on the tolls was in a similar position. In Renfrew, for instance, the unpaid interest was £15,000, while the debt was stated at its full nominal value. The Commissioners said it was absolutely necessary to deal with the question of debt, and expressed their opinion that irrespective of any ulterior legislation, it was imperatively necessary that provision should be made for getting rid of this incubus. The Commissioners asserted that the debt ought to be apportioned equally over each county—which meant that the entire county ought to pay the county's debts. This seemed to be the only principle on which they ought to act. The cases of roads made for merely through traffic might complicate the matter a little, but he thought that on the whole, nothing could be fairer than to say that the debts of a county should be paid by the owners of land in that county. With regard to boroughs, the Commissioners proposed that all turnpike roads within borough boundaries should be handed over to the boroughs which should undertake their future maintenance, and also be liable for the burdens now resting upon them. It was only fair to say that in drafting the clauses of the Bill, he had not absolutely followed the Bill of 1869, on the recommendation of the Commissioners. The Commissioners laid down a rule for apportioning the debt according to the mileage; but in the Bill of 1869 it was found impossible to lay down a hard-and-fast line on this

*Sir Robert Anstruther*

question. There was, however, no reason, where the mileage system was deemed most equitable, why it should not be adopted; and, on the other hand, there was no reason why, in other cases, it should be made compulsory. What he proposed in the Bill was that these mileage questions should be laid before competent persons to be appointed as arbitrators, who would determine what was the fairest way in which the debt should be apportioned. The Commissioners recommended that a commission should be authorized to make a valuation of the debt. He thought he should be hardly treating his hon. and learned Friend the Member for Ayr (Mr. Crawford) with proper respect if he omitted to notice the Amendment, or rather the Amendments he had placed on the Paper. The hon. and learned Gentleman had put on the Paper an Amendment, which the Speaker had decided could not be put to the House. This was unfortunate, because he (Sir Robert Anstruther) felt certain that as between the Motion for the second reading and that Amendment, the former would certainly have been preferred. His hon. and learned Friend had since altered his Amendment into an acceptable form, and he (Sir Robert Anstruther) would read it as it had at first appeared, and as it was now worded. As first put forward, the Amendment was—

"That this House declines to entertain any legislation involving new or additional local charges until the question of the relief to be granted from imperial funds to local taxation shall have been definitely settled."

As the Amendment now appeared, it set forth—

"That whereas the Roads and Bridges (Scotland) Bill involves the compulsory imposition of new local burdens, this House declines to entertain this Bill until the question of the relief to be granted from Imperial funds to local taxation shall have been definitely settled."

Now, he was bound to admit that to a certain extent the Bill imposed a new burden, and he admitted that, in his judgment, local taxation did require assistance from the Imperial funds; but he asked whether the hon. and learned Member for Ayr intended to say, that although by this Bill to a certain extent local taxation would be imposed, yet if they would show that the money would be economically and well spent, he would prevent the carrying of a measure which had the effect of bringing about a sav-

ing? The truth was, that the increase of local burdens under the Bill would be not so much an increase in fact as a variation of the incidence of taxation. It appeared that his hon. and learned Friend did not object to the proposal to abolish tolls; once on a time he was in favour of that being done, and of some more equitable system being adopted. His objection to the Bill was that it imposed new local burdens. But having taken the course of objecting to this Bill on the ground stated, the hon. Member ought to take the same course upon all other Bills relating to local burdens. But see what that would involve; almost every valuation Bill would be stopped. He would stop Bills emanating from the Treasury bench, Bills arising from below the gangway, and Bills from the other side of the House. They would have to stop the Juries Bill—indeed, it was whispered that it was stopped already—they would have to stop the Election Expenses Bill, the Bill for the education of Deaf Mutes, the Juries (Ireland) Bill, all the Provisional Orders Confirmations Bills, the Lord Advocate's Bill, and the Poor Law (Scotland) Bill. It was a pity the House took the trouble to throw out the hon. and learned Gentleman's Bill, because his own Amendment would have stopped it. It inferred an increase of local burdens, and his own Amendment would have prevented it from going on. That Amendment, as applied to his Bill, might succeed better than if it were applied to the Government and parties on both sides; but if his hon. and learned Friend did not succeed in destroying him before he destroyed the Prime Minister and everybody else, he (Sir Robert Anstruther) would then have a chance of carrying the second reading of his Bill. He would put himself in the hands of the Home Secretary. If the right hon. Gentleman would give him facilities for going into Committee on the Bill, he would endeavour to make such progress as he could; but, of course, everybody was aware how, in the present mode of conducting business in that House, it was impossible for a private Member to pass a Bill through Committee. If the right hon. Gentleman would give him assistance to pass the Bill through Committee, he would then recommend the whole matter to the consideration of Her Majesty's Government.

From the knowledge he had obtained of these Acts, he believed they were working well, and therefore it was not unreasonable to hope that the Government would take an early opportunity of dealing with what they considered to be a very important matter of Scotch legislation. The hon. Baronet concluded by moving the second reading of the Bill.

MR. ORR EWING, in seconding the Motion, said, he would not enter into details, but would rather deal with general principles. The spirit of the Bill was that the present system of maintaining the roads was inadequate in its operation, expensive in its mode of collection and management, and also insufficient for maintaining the roads in a proper condition. Roads in Scotland were supported under two systems—one being the turnpike system, by which all those roads which used to be the principal links of the thoroughfares in the country were supported by tolls; and the other system was that known as the statute labour roads. These latter roads were under an Act which passed as far back as 1810. At that time the parts of Scotland in which these roads existed did so little trade that the cost of maintenance was perfectly insignificant. The conditions attached to the statute labour roads were that the landowners had the power to manage them—they had the power of laying on the assessment, but the payment came out of the tenant-farmers of Scotland. One could hardly fancy at this time of day such a law could be allowed to exist, and that the parties who paid the tolls, which might be 3 per cent of their rental, should have no voice in the management of the roads; but such was the fact. In some parts these roads were very expensive—in some cases, though the assessment amounted to 3 per cent, the roads were actually impassable. In the county of Stirling the length of the roads under the turnpike system only amounted to 165 miles, while under the Statute Labour Acts there were 394 miles, or more than double that under the turnpike system. It was most unjust that such a system of maintaining the statute labour roads should exist. The assessments were also most unjust in their incidence. In one district of Stirlingshire, where the great bulk of the assessment was laid upon land and fell upon



the occupier, the valuation of public works and other heritages amounted to £48,000, while the assessment was laid upon £16,000 only; so that the tenant-farmers paid the whole, while those who used the roads most escaped. He should also support this Bill on the ground of the present system being expensive. It was also unequal. One man might have one or two tolls to pay, although he was only five or six miles from a city like Glasgow; whereas another, who might be as far removed from Glasgow, might have only one toll to pay, and perhaps none. He also believed that £3 per £100 was not sufficient for maintaining the roads. This Bill had for its object the total abolition of the toll system, and for raising a sufficient amount of money by assessment. Out of 33 counties 14 were supported by the system which this Bill provided, but there were still 19 counties where they supported the old toll system. He was warmly in favour of the Bill, and regretted that the hon. Baronet (Sir Robert Anstruther) should take so desponding a view of the probability of its passing this year. He hoped, however, that Lanark and Renfrew would be excepted from the Bill. These counties, having such a large number of people concentrated in boroughs and towns, were in such an exceptional position, that they might reasonably demand legislation specially adapted to their case. Indeed, he saw no chance of passing a Bill this year unless these counties were exempt from its operation. He was, however, quite at a loss to understand the object the hon. and learned Member for Ayr (Mr. Craufurd) had in view in the Amendment which he had placed on the Paper. While he (Mr. Orr Ewing) would willingly do anything to relieve local burdens, he was quite satisfied this Bill would be useful to farmers, who really were an important class; and, as it was not at all likely that the roads would be supported out of the Imperial Exchequer, it was but right that each county should support its own. He could not conceive the reason for the opposition of the hon. and learned Member to a Bill which he might say had the almost unanimous support of the people of Scotland—the conveners of Royal burghs—and the loss of which would disappoint almost the entire body of his fellow-countrymen.

*Mr. Orr Ewing*

*Motion made, and Question proposed, "That the Bill be now read a second time."—(Sir Robert Anstruther).*

Mr. CRAUFURD, in rising to move the Amendment, of which he had given Notice—

"That, whereas the Roads and Bridges (Scotland) Bill involves the compulsory imposition of new local burdens, this House declines to entertain this Bill until the question of the relief to be granted from Imperial funds to local taxation shall have been definitely settled," said the hon. Gentleman opposite. (Mr. Orr Ewing) was unable to see on what the Amendment was based. It was very simple. The hon. Baronet who had moved the second reading, said he (Mr. Craufurd) had been in past times, if not now, in favour of the abolition of tolls. He could say he had not changed his views on that subject, and he could still show that he possessed the merit of consistency, but he must say that he objected to the way in which this Bill proposed to deal with the question; but while he objected to this mode of dealing with the subject, he was prepared to accept any equitable method of getting rid of the evil against which the Bill was aimed. No doubt the feeling was very general throughout the country, and among those dignitaries which the hon. Member quoted with so much unctious—the conveners of Royal burghs—for whom he felt the respect to which they were entitled, though he generally found them petitioning for objects which he believed to be in the wrong direction. If the hon. Member for Fifeshire (Sir Robert Anstruther) was obliged to him for changing his Amendment, he (Mr. Craufurd) was doubly obliged to the hon. Member for putting into his hands one of the most potent weapons he could have desired—namely, the Returns for the 14 or 15 counties who had adopted the new system. The hon. Member had referred to three only of these, and even these did not support his views. One of these, Banff, where they formerly raised £8,665; now raised by assessment £4,584. In another county they now raised £4,886, exclusive of bridges instead of £2,100 which had been paid by statute labour. In Aberdeenshire where they formerly raised £14,971 by tolls and statute labour they were now assessed at 6d. in the pound and expended no less than £24,685; and it was the same in other counties. In fact the hon. Mem-

been carefully omitted from his statement what was raised under the new burden. His objection to the Bill was that under this Bill there were no limits to the assessment and expenditure—there were no possible means for the ratepayers checking expenditure, and he was convinced that the effect of this legislation would be an immense increase of expenditure without any control over it. Why should the House sanction such an enormous increase of expenditure? As to the Royal Commission, there was a great deal to be said between the state of things in 1859 and the state of things now. It was one thing for a county of its own accord to come to Parliament and say the people were willing to tax themselves in this way, and that in their peculiar circumstances the recommendations of the Royal Commission would benefit them. But here the House was asked to deal by compulsion and make people follow in the steps of other counties, notwithstanding that some of them had petitioned against this Bill *in toto*. It was necessary to remember that the circumstances of all counties were not the same, and that a system suitable for one might not be suitable for others. Yet this Bill proposed to apply compulsorily to counties whose circumstances were totally different from those that had obtained local Acts—the system of assessment adopted by the latter, simply because it had been found suitable for them. It was admitted that it was not applicable to some counties—Lanark and Renfrew for instance. Then why not leave it to the counties themselves to come here and get this Bill if they wanted it. If they had wanted it, he thought they would have come here before now. If they persisted in forcing it down their throats when they said it would not suit, and they did not want it—he thought they would impose on them a grievous hardship. The hon. Baronet (Sir Robert Anstruther) had had alluded to the inequality which might be produced by the 47th clause of his Bill. Now, it was partly on account of this very clause that he (Mr. Craufurd) objected to this Bill. He was opposed to any system by which they imposed upon people a charge for maintaining roads utterly disproportionate to the use they made of them. His hon. Friend said that those who used the roads ought to pay for them. He ad-

mitted it; but he believed the system of tolls was at least as equitable as that provided for by this Bill. And now as to the mode in which it was proposed to levy the assessments. Clause 41 said that the one-half should be paid by the proprietor, and the other half by the tenant. If this Bill had been proposed by a burgh Member, he should not have been surprised at an arrangement of this kind; but he wondered what his hon. Friend would say to the tenants among his constituents for supporting a scheme by which, in addition to paying poor rates and other things, they would have to pay the half of the assessment on roads? They paid only 1*d.* in the pound of income tax; under this Bill they would have to pay 3*d.* or 4*d.*, not only on a third of their rental, but the whole amount. On the whole, he thought it would fall most hardly on the tenant farmers. His hon. Friend had referred to the Lord Advocate's Bill for 1869, and had claimed his Lordship's support for this measure. Now, he thought that the fact that the right hon. and learned Gentleman had given up the Bill showed that he had grown wiser as he had grown older, and that he had become convinced it was impossible to impose an assessment that would be equitable. He quite agreed that the matter was one which could only be dealt with satisfactorily by the Government, and he did not wish to detract from the labours of his hon. Friend, who had done his work in a most able manner, and deserved the gratitude of those who thought with him. He could not help referring for a moment to the Seconder of the Motion. He thought his hon. Friend the Member for Dumbartonshire (Mr. Orr Ewing) was hardly justified in being so severe on him for his Amendment. He confessed he could not follow his argument, that the Amendment, as originally proposed, would have blocked the way to all the legislation referred to. Putting aside the forms of the House, to which he had been obliged to conform, there was no difference in the Amendments. The principle in the two cases was the same, and the only effect of the alterations would be that he would have to repeat the Amendment to every other Bill he objected to on the same ground. He could not see how his Amendment in either the one form or the other would have interfered with

the Rating Bills of the Government or his own Poor Law Bill. In regard to the latter Bill, the hon. Baronet forgot that if he imposed new charges, he simultaneously had clauses giving relief, for he proposed to tax Government property, and he proposed likewise to get a subsidy for lunatics, and an allowance from the Imperial Fund for medical officers. This, however, was not the occasion to defend his Poor Law Bill. The effect of his Resolution was simply this—He wished the House to refuse to read the Bill a second time, because it imposed inequitably the charge of maintaining the roads in a way to create new local burdens. He thought it desirable to point out what the position of local taxation was, but he had no authentic information beyond the pamphlet he held in his hand. His right hon. Friend the First Lord of the Admiralty, who took up the question a few years ago, and presented to the House full statistics regarding taxation in England, had carefully avoided giving them anything but most general and, he must add, most useless information in regard to Scotland, and he was not aware that there had been any official supplement to that Return. He therefore had to confine himself to the information contained in the pamphlet to which he had referred. Now, shortly, what had been the results in Berwick as shown by the Returns obtained by the Commissioners. The county assessments for the county of Berwick had during the last 34 years increased 246 per cent, while the value of property in the same county in the same period had only increased 48 per cent. To his mind these figures spoke volumes as to the state of local taxation, and showed how enormously the local burdens were being increased. He was not maintaining that grants should be given out of the Imperial Fund for the support of the roads—though much might be said in favour of that—What he wanted was this—that they should settle how the local burdens were to be relieved before they imposed any new ones. He was quite satisfied the feeling of the country was strong against the inauguration of any more local government until an equitable adjustment of this pressing question had been made. He had heard the party of which he was a member decried because it failed to deal with this question. The education of the country was no doubt supple-

*Mr. Craufurd*

mented out of the Imperial Funds, and so was sanitary legislation supplemented; but what was wanted was that the whole subject should be taken up, and an understanding come to as to the proportions to be borne by the local and Imperial Exchequer. He did not bring forward his Amendment as any reflection on the Government. He was willing to accept a statement that it was first of all necessary to deal with the Bills now before Parliament. The Prime Minister had declared that the Government accepted the Resolution of last year, and he was willing to leave the matter in the hands of the Government, but he said—do not aggravate the evil; do not increase the burdens, and throw the ratepayers into despair by this legislation which was being forced on them year after year. The Prime Minister had only on the previous day admitted that it was right this principle should be adopted; and intimated that the Government would do what it could to get it acted upon. Under these circumstances, he was willing to leave the matter in the hands of the Government, and he did not see why they should hamper them by agreeing to the second reading of this Bill. The hon. and learned Gentleman then moved the Amendment of which he had given Notice.

After a pause,

LORD ELCHO seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "whereas the Roads and Bridges (Scotland) Bill involves the compulsory imposition of new local burdens, this House declines to entertain this Bill until the question of the relief to be granted from Imperial funds to local taxation shall have been definitively settled,"—(*Mr. Craufurd*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. M'LAREN said, he felt a good deal surprised that the noble Lord should have seconded the Amendment, and rather thought that he had done so out of good nature, to prevent his hon. and learned Friend standing in the ignominious position of not having a Seconder—or perhaps that he had not had an opportunity of reading the Amendment. The Amendment was a very curious one. It desired the House to

express the opinion that until the question of the relief of local taxation was definitely settled we should do nothing in the way of legislation on this matter. Now, when would that question be definitely settled? He (Mr. M'Laren) did not believe it would be ever definitely settled, and therefore if they passed the Amendment they would never be able to deal with the question at all. They had heard of measures being delayed for such a reason for three or six months, but here they were asked to postpone dealing with the question till the end of the world. Then the Amendment spoke of the relief to be granted. What relief? Where was the Bill proposing to grant relief to local taxation in Scotland? There was a Bill providing for the relief of local taxation in England, but Clause 2, which was passed in Committee, set forth that it should not be applicable to Scotland and Ireland, and he was not aware of any Bill for granting relief to Scotland. It was therefore altogether irregular and improper to propose that this Bill should be postponed until a relief should have been granted of which no one knew anything at all—unless his hon. and learned Friend himself had special information on the subject. On the merits he had gone into a great many questions. He (Mr. M'Laren) would not follow him into all these, but he would endeavour to state some circumstances to the House which he thought it important for hon. Members to know. The hon. Gentleman had referred to the increased rates of assessment in certain counties. Now, there were four or five counties that never had tolls at all; there were others which had obtained Acts for abolishing tolls, and there were 15 now remaining which asked the benefit of a general Act. His hon. and learned Friend said that it was found necessary to expend a great deal more under the systems of assessments, and had referred to the case of Renfrew as an example. Well, a Report had been drawn up by the authorities of that county, in which it was stated that £10,000 would be required annually for the next ten years to put certain roads in the same condition as the turnpike roads of the county. No doubt this was a great exaggeration; but admitting it to be true, how had the roads been allowed to get into such a disgraceful state of disrepair as that in which they now

stood? Was it not the result of the present system? It was just like a person coming into the possession of an estate where everything had been allowed to go to wreck and ruin. The new proprietor might have to spend two or three years' rent before he got any return, but it was not his management which was to blame for that state of matters. It was precisely the same in regard to the roads. The hon. and learned Member had spoken of this new expenditure which was required to bring things to an ordinary level, as if it were to be perpetual expenditure. This was most unfair, for while the first expenditure was necessary in order to put things right, there was no doubt whatever that it would have the result of greatly diminishing the expenditure in future years. His hon. and learned Friend had referred to a particular clause as imposing additional burdens on landowners and farmers; in fact, he had come forward as "the Farmers' Friend." Well, he (Mr. M'Laren) attended a meeting of the Chamber of Agriculture in Edinburgh which was almost exclusively composed of farmers, and it was unanimously of opinion that a Bill of this kind ought to be passed. Instead of being aggrieved parties, they were the great promoters of this Bill. Instead of being a Bill to impose burdens on land to an undue extent, it would bring in for the payment of assessments hundreds and thousands who never paid a toll in their lives. As the hon. Baronet said, those should pay for the roads who used them, and therefore the small occupier was justly called upon to pay for walking on them, though he might never have ridden in a carriage in his life. He admitted that there was some difficulty in regard to counties like Lanark, with large cities in their centres, and enormous debts, and he thought that if the authorities of Lanark and Glasgow thought fit to propose a clause providing that the Bill should not apply to the county in question, he should have no objection to it; but it was surely too much to ask that because the county of Lanark and the City of Glasgow did not want the Bill all the other counties in Scotland who desired such a Bill should be prevented from getting it. The increased expenditure which had been spoken of had been considerably exaggerated. The Returns for the county

of Berwick were said to show an increase of 250 per cent. That was a very high sounding statement, and was calculated to have a great effect on those who did not know the facts. But it was necessary to see what the rates were as well as the percentage. There was a Paper in the library giving an account of the rates levied in all the counties in England, and information both as to the character of the assessments and the rate per pound. Now, there were 15 counties in Scotland that would be affected by this Bill. No doubt English Members would think from the statement of the hon. and learned Member for Ayr that the local taxation in Scotland was very much higher than in England. If they did so, they would make a great mistake. It appeared, from the Returns made by the Secretary of the Poor Law Board for 15 counties, commencing with Anglesea, that the average rate was 4s. all but a fraction. Deducting the poor rates all the ordinary rates amounted to 2s. in the pound. Hon. Members would, perhaps, be surprised to hear that the average rate of all the counties of Scotland affected by this Bill, not including the poor rate, was 3½d. per pound, and the county of Berwick, with its flaming statement of increase of 250 per cent, paid 3½d. Then, with reference to the allegations that these rates have increased in far higher ratio than the property, he would mention that the valuation of these 15 counties had increased from £190,951—say £200,000—to £7,000,000, which was equal to thirty-six fold, or 3,600 per cent. In Ayrshire, the rate was 3d.; in Forfarshire, 2 2-15d., and so on. But the result was an average of 3d. Now, take a year as a curious illustration. His hon. and learned Friend said he could get no authoritative Returns. Now, by request, every county sent to *Oliver and Boyd's Almanac* a statement of all rates levied, and the amount per pound. Taking the several rates for a year, the county rate was 4d., the police 1½d., the valuation roll ½d., prisons ½d., lunacy ½d., registration of votes ½d., and cattle disease ½d.—altogether, 3d. per pound for all these charges. In Renfrew, the rates were for prisons 1d., police 1½d., cattle diseases ½d., and county assessment ½d.,—in all, 3½d. In the county of Edinburgh—the metropolitan county—it was still more curious. The rates there were — for prisons ½d., police 1d., militia stores 1-24th, regis-

tration 1-24th, county rate ½d., lunacy ½d., cattle diseases 1-12th—total 2d. 8-12ths. Yet, in England, 15 counties, as he had mentioned, paid on an average 2s. each. Now, as to the way the taxes were imposed, he would give an illustration of the anomalies the Bill would redress. There was in the county of Edinburgh a palatial residence which had been in recent time the residence of Royalty, and that was rated at £250 of rent. All that the noble Duke who owned it paid for relief of all these charges was 2d. 8-12ths on the £250, which was equal to a sum of £2 15s. per year for rates. There was an hon. Member of this House who occupied a small residence in the same county not two miles from the ducal residence, and this House was rated at £170, but the rates were 1s. 9d. for ordinary purposes, and 7d. for water, making 2s. 4d., and he paid £19 6s., while the Duke paid £2 15s. Then a house in the City he had the honour to represent, rated at £24, paid £2 16s. a-year, or 1s. less than the Duke. The owner of such a house might be a clerk with a salary of £120, and yet he paid 1s. more to the local rates than the noble Duke he had referred to. That showed the wisdom of giving some relief. For the reasons he had given, he supported the second reading of the Bill.

LORD ELCHO said, he admitted he had come to the House without the remotest intention of speaking on the Bill, but he felt bound to accept the challenge given him by the hon. Member for Edinburgh (Mr. McLaren). He confessed the hon. Member was right in his conjectures that he had seconded the Amendment to prevent the debate breaking down, and that he had done so without knowing the terms in which the Amendment was couched. He was, however, perfectly cognizant of the nature of the Motion, and he had confidence in the legal and Parliamentary knowledge of the hon. Member for Ayr (Mr. Craufurd) to be convinced it would be worded in the best possible form. This was a compulsory Bill, and corresponded with the permissive Bill which he had himself vainly endeavoured to carry against the opposition of the city and county of Edinburgh and the county of Lanark and Glasgow. These two powerful communities were the stopping blocks to any general legislation on the subject; and, therefore, his own county taking a practical view of the subject, applied for

and obtained a special Act. Their main road was the principal communication between north and south, and was sufficiently maintained by tolls; but with the railways the traffic fell away, and they were compelled to a change of system. As to what the hon. Member had said about the Duke of Buccleuch, he had forgotten that his Grace likewise paid on every farm of his estate. The question, however, now at issue was not that stated by the hon. Member for Edinburgh, as to what was the best mode of maintaining the roads. There was a new element imported into this matter by the general Resolution which the House had passed in regard to local taxation; it was not a question of the rate of the taxes, but of the proportions which should be borne by the local and Imperial Exchequers. The House of Commons, by a large majority, had decided that this question should be gone into by the Government. The Government had not shirked the task—quite the contrary—they said they accepted the vote and were prepared to give effect to it, and all they stipulated was that they should be left to do it in their own way. After the speech delivered by the Prime Minister on the previous day, he maintained that the Government were not justified in supporting this Bill, or any Bill which proposed to impose additional taxation.

GENERAL SIR GEORGE BAUFUR would support the second reading of the Bill, in the hope that certain Amendments would be made in Committee. He claimed for the county of Kincardine, which he had the honour to represent, the credit of having taken the lead, or at least, of having been foremost in the list of counties in removing tolls, and particularly in reducing the rates at toll gates. Except in one part of the country, it was inexpensive to pass over the roads of Kincardineshire, for the toll rates were singularly low. It was also the desire of the county to effect the early removal of all toll-bars. The county had also the merit of having roads in proportion to the area of the county greater than in any other. There were about 500 miles of roads under management to about 388 square miles. These roads were also in very good condition, well looked after, and very fairly maintained. The economy in keeping up these roads was also shown by the Report of the Commission on Roads to be remarkably

low; indeed, the average rate per mile for maintenance was as low as in any of the Scotch counties. This was owing to the intelligent and efficient management of the communications of this county; and the result was brought about by confiding to those most interested in the roads—namely, the tenant farmers—the right to look after the roads. They had not hesitated to carry out amalgamation of roads under one Road Inspector, so as to diminish the cost of management and provide for efficient supervision over the communications within fixed areas. He had no doubt that with similar judicious arrangements throughout Scotland a very great reduction of expenditure on roads could be effected. No doubt, this Road Bill had defects, and when it got into Committee he would propose Amendments calculated to effect improvements in the management of roads of Scotland based on the experience of Kincardineshire. And on this understanding he would give his cordial support to the Bill of the hon. Baronet the Member for Fife.

SIR EDWARD COLEBROOKE said, that the question was whether it was most expedient to support the roads and bridges of Scotland by a direct tax on property, or by means of tolls. For himself, while the present system of statute labour lasted, he would confine them to tolls. He admitted that there was great room for improvement, but in his own view those improvements could be carried into effect quite independently of anything in the Bill. He quite admitted that this was a difficult question to deal with in detail, but he did not think there were any difficulties which might not be removed in Committee. He admitted that there were some points which would have to be settled, and probably Lanarkshire and Edinburgh would have to be omitted; and there were many cases in which inequalities would have to be adjusted. It was unjust, for instance, in the case of great towns, that a large proportion of the assessment should fall upon its suburban districts—of course, it would be most unjust to call upon the counties to pay tolls for the convenience of the cities. They might just as well impose tolls on the cities for the support of the roads in the counties. He did not see that there was any ground whatever for interfering with the second reading of the Bill, it appearing



to him that the promoters of the measure were willing to make an exemption where anomalies such as he had referred to existed. There was another reason why he was unwilling to throw the Bill out, and that was the necessity of making some suitable provision in the case. At present the debts were on bonds given personally by the trustees, secured on the property of the trust. Now, he thought it most unjust that one class of property should bear the burdens which ought to be cast equally upon all, for the purpose of obtaining a benefit which was to be shared by all. For these reasons, he thought the Bill ought to receive the sanction of the House.

Mr. GLADSTONE said, that he did not rise to debate the merits of the Bill, because he did not think himself competent to do so, or to give any opinion which it was worth the while of the House to listen to; but he was anxious to make an explanation with reference to a declaration of his which appeared to have been seriously misapprehended by two hon. Friends. He understood that they put a construction upon some words that had fallen from him recently, assuming that he had entered into an obligation on the part of the Government that they would not, during the dependency of the general question of Local Taxation, make any proposal involving an addition to local burdens. It must be obvious that he could not have made any statement involving such a pledge, and that he could not have done so with consistency; because the Government had at that moment Bills before the House which did impose new local burdens—such as the rating of game, mines, woods, and other descriptions of property. What he did say was, that the Government had not overlooked the Resolution of last year, and that they were desirous to avoid raising any question which would interfere unnecessarily with the general question of Local Taxation. And, as an instance of that desire, he might remind the House that in the discussion on the Juries Bill he stated his hope that the Government would make such a proposal as would enable them to withdraw that portion of the measure which was opposed on that ground. He did not shrink from that declaration of the general intention and desire of the Government; but he did seriously deprecate any Resolution of the House that they will decline to entertain

any measure by which new local burdens shall be imposed or old ones shifted until a definite settlement of the whole question of Local Taxation shall have been arrived at.

Mr. ELLICE said, he did not object to the principle of the Bill, but he thought some of the proposals were highly objectionable, and must be altered in Committee. He did not know that it would be possible to introduce one uniform system into Scotland; but there could be no doubt that there was a general wish in Scotland that tolls should be abolished, and that the means of maintaining the roads should be by assessment. He would remind the House, however, that by the present method of raising revenue by tolls, a large proportion was obtained from the general public who actually used the roads; and a large part of this came from visitors. Of course, if they maintained the roads by assessment, that source of revenue would vanish. He thought there could be no doubt that there were exceptional cases in various localities, and that to apply one general rule to all would be to inflict great injustice, and that these places must be exempted from the operation of the Bill and dealt with separately. There was another point of importance, and that was the question of the debts of various trusts. The trustees of roads in Scotland stood on a different footing from the trustees of turnpike roads in England. The latter were secured on the proceeds of the trust, and the persons who lent the money considered the risk and the security; but in Scotland the money was lent on the personal bond of the trustee, and therefore the creditor was safe to be paid his money some time or other. But it did seem hard that one district of the county—take the county of Fife, for instance—should be saddled with a burden to pay the debt of another, and that would be the result of an uniform arrangement. He hoped the Government would accept the second reading of the Bill as an indication that the representatives of Scotland desired to have this matter fully considered and settled, and that they would take up the question themselves and introduce a more complete and perfect measure next Session.

Mr. SCOURFIELD said, there could be no doubt a toll was in theory more equitable than a rate, because the toll supposed that those paid for the road

who used the road, whereas a rate was founded upon the attractive principle of discharging your obligations by putting your hand into the pocket of your neighbour. On the other hand, there were incidental advantages which counter-balanced that—in Wales, for instance, the abolition of tolls had proved a great boon. The whole question was one of expediency rather than of principle.

MR. BRUCE said, that it was his intention to vote for the second reading of the Bill, and he would state shortly why he proposed to do so. The subject had caused great excitement in Scotland, and as long ago as 15 years a Royal Commission was issued; and a former Government, of which he was a Member, had brought in a Bill on the subject. Not only that, but the Report of the Scotch Committee, who had made a long and exhaustive inquiry, was unanimous against the continuance of the system of tolls. But while he supported the second reading of the Bill, he by no means intended to pledge himself to the details. The county which he had the honour to represent—Renfrewshire—was in an exceptional condition, and so also, though not to the same degree, the county of Lanarkshire which was represented by his hon. Friend (Sir Edward Colebrooke).

With respect to those two counties it seemed to him that it would be the duty of the Committee to consider any fair suggestion, and if the justice of their case was not met, it would be necessary to consider whether they should not be excluded from the operation of the Bill. For he agreed with the hon. Member for St. Andrews (Mr. Ellice) when he said, speaking generally, and not with respect only to these two counties, that in a measure of this kind exceptional cases should be exempted from the general rule. He quite agreed that there ought to be some change with reference to the debt on the trusts in Scotland. Altogether there were 160 trusts in Scotland, and in 16 important counties the debt amounted to £857,000, while the interest had actually risen to £41,000. He thought the question raised by his hon. Friend (Sir Edward Colebrooke) as to the debt was a very proper one, and they ought to consider whether it was not possible to relieve the trustees of their personal responsibility for it—since there existed a common law obligation to repair the roads. In Wales a system not unlike the Scotch

system had been found utterly inadequate in many cases to keep up the roads. In consequence an Act was passed dealing with the six southern counties by which the trusts were consolidated and other arrangements made by means of which a small assessment was sufficient to extinguish the tolls. It might be desirable to consider whether in accordance with the suggestion of the hon. Member for Pembrokeshire (Mr. Scouffield), a similar arrangement for Scotland might not have a similar beneficial effect. It was argued that private Acts led to lavish expenditure and to the dissatisfaction of the people, but he did not think that result had followed in those counties which had obtained them. The Acts were similar in principle to the provisions of this Bill. Was there any proof whatever that any dissatisfaction existed at the prospect of this measure becoming law? On the contrary, those counties where the special Acts were in force were well satisfied with the present state of things, and none of them were willing to go back to the old state of things. There had been an increase in the cost of repairing the roads, but that was caused by a rise in the price of labour and material, and perhaps the increase in the population had something to do with it. But besides this there had been an improvement in the character of the roads, and it was a very poor way of looking at the question of economy to consider only increased expenditure without looking for the cause. Improvement of roads was a measure of economy. Increased means of locomotion, and the abolition of restrictions upon it were directly or indirectly a gain to the community; and considering with what spirit public affairs were managed in Scotland, it would be found that in this, as in all cases in which expenditure had been wisely made on a sound system, advantage would follow. It seemed to him that if the people of Scotland called for this measure as they did generally, it was not for the House of Commons to say their wishes should not be gratified. If they were prepared to meet the charge why should they not be allowed to do so? The difficulty now pending respecting the incidence of Imperial and local taxation should be settled as soon as possible; but the delay on this subject should not be used as an excuse for denying to any part of the Empire an



improvement in the administration of local affairs.

SER ROBERT ANSTRUTHER, in reply, said, that Returns he had received from counties in which private Acts containing provisions similar to this Bill were in operation fully bore out the statement of the Home Secretary. The statement that had been made to the effect that a very large proportion of the debt on Scotch roads had been secured on personal security of trustees was not correct. In Renfrew the amount of debt secured on personal security was £31,000, and on tolls, £91,000. In Lanark the sum on personal security was £18,000, and on tolls, £284,000. Throughout the whole of Scotland the amount of debt resting on personal security was only £223,000; whereas the amount of debt secured on tolls, and with which his noble Friend would have to deal next year, was £1,345,000.

Question put.

The House divided:—Ayes 124; Noes 115: Majority 9.

Main Question put, and agreed to.

Bill read a second time, and committed for Friday 27th June.

#### FACTORY ACTS AMENDMENT BILL.

[BILL 47.]

(Mr. Mundella, Mr. Morley, Mr. Shaw, Mr. Phillips, Mr. Cobbett, Mr. Anderson.)

#### SECOND READING.

Order for Second Reading read.

MR. MUNDELLA in moving, "That the Bill be now read the second time," said, it was practically the same as that framed by the right hon. Gentleman the Secretary of State for the Home Department last year. He regretted that at that late hour (four o'clock) he should have been called upon to address the House upon a question of much magnitude and importance when there was a chance of the Bill being "talked out." He trusted, however, that as the measure had been postponed until the present time, when there was no chance of fully considering it that day, both sides of the House would agree to the adjournment of the debate, and that the Government would exert their influence to assist him to procure a full and fair discussion of the subject during the present Session. The whole of the factory workers of the kingdom took a deep and

intense interest in the Bill; but it was not the workers only; a considerable number of the employers were anxious for that legislation. He knew that he was incurring a grave responsibility in promoting the measure, more especially as it affected one of the largest and most important branches of industry in England; but it was urgent that legislation should speedily take place in the interests of the great body of people who were employed in textile factories. This country, in its textile industry, occupied a pre-eminence over the whole world, and that pre-eminence she had maintained against all competition. With that branch of industry he had been employed, in one capacity and another, all his life, so that he necessarily took a deep interest in all connected with it. The industry in which the Bill dealt employed 1,000,000 of persons in spinning, weaving, and production, and that number was quite irrespective of those engaged in the subsidiary and auxiliary branches of finishing and preparing the article for sale. The exports alone of their textiles had risen to the enormous and unparalleled sum of £120,000,000 a-year, and there was in addition a home trade which, with the exception of America, was unsurpassed by any home trade in the world. He left the House to form some impression from those figures of the extent and magnitude of that giant industry. He had not undertaken the responsibility of introducing the Bill without entertaining the deepest conviction as to its urgent need. He believed that in the interest of the health, the education, and the improved social condition of the vast mass of women and children employed in the factories of this country, the proposed legislation was imperatively called for. He had not lost sight of the economic side of the question; and he had time after time refused to deal with the question, until he had assured himself by personal investigation, and by what had taken place in other countries, that they were in a position to concede what the female and children workers of this country had reasonably demanded. A deputation of mill-owners who waited on the right hon. Gentleman the Secretary of State for the Home Department last year declared that the agitation on the subject was the work of the overlookers, who were paid weekly wages, and who would have as much for

9 as for 10 hours; that the women and children were not overworked, and were contented; and they prayed for inquiry. The right hon. Gentleman told that deputation, that inquiry had already been commenced; and that whatever might be the effect upon their individual interests or upon trade, if it should be clearly shown that the health and educational condition of the workers required fresh legislation, the Government would deem it their duty to institute that legislation. It had been insinuated in other quarters that the Bill was the work of the trades unions, and that it arose out of a jealousy of female labour. Its object was, it had been stated, to place a serious obstacle in the way of the employment of women. He thought he should be able to satisfy the House that there was no foundation for that statement. In another rather influential quarter it had been said that this was a party move. That could hardly be, when the Bill was supported by some hon. Members opposite; and, he deeply regretted to say, opposed by some Friends of his on his own side of the House. He could only say that on social questions he owed no allegiance to any party, and that he would co-operate with any leader of party or any ally who was prepared to assist in promoting the social well-being and prosperity of those in whom he took a deep interest. He regretted, moreover, that on that question he was opposed to some of his Friends on the benches below the gangway; but he would continue to be opposed to them as long as they took the cold-blooded, economist views they did. The object of the Bill was, to use the words of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), in reference to a large body of their fellow-subjects, to "effect a reduction in the hours of labour, and to humanize their toil." There was no industry which demanded such ceaseless and restless energy on the part of its workers as the textile industry. They laboured continuously from morning until night, and through winter and summer; and it might be said there was no rest to the soles of their feet. The evils of factory labour had been growing for years, and though those evils had been greatly ameliorated by the Act of 1847, the press of competition had very much intensified since then, and a very cruel system had been

invented in many cases, under which over-lookers were paid upon the out-pat, and a condition of things, little short of slave-driving, had resulted therefrom. Well, he had introduced a Bill which, as well as himself, had been subjected to a great deal of criticism. In the first place, the Chamber of Commerce of Manchester took the alarm, and Mr. Hugh Mason, a model employer, delivered two presidential addresses on the subject. But he would by-and-by call Mr. Mason into court, and show that he was his strongest ally. The Chambers of Commerce throughout the kingdom, moved by the Manchester Chamber of Commerce, got an inquiry instituted, but were not satisfied with the result. The Professor of Political Economy at Oxford was very forcible in his condemnation of the Bill; so was the hon. Member for Brighton (Mr. Fawcett), and the estimable lady who bore his name had written a letter on the subject, of which he would only say that it was altogether mistaken. What were the provisions of the Bill? The first proposed to shorten the hours of labour of children, young persons, and women from 60 hours a week to 54. The second provision would make "half time" less of a misnomer than it was now. In some instances "half time" meant 39 or 40 hours a week; he would make it 33. His next proposition was, that the hours of labour should be between 7 in the morning and 6 in the evening, so that the hour saved should be in the morning. By his fourth proposition he would raise the age of "half-timers" from 8 to 10. He was perfectly aware that this last proposition was a very weak one, but it was the best which he could frame. His fifth proposal would raise the age of full-timers to 14, with a certain exception. No child would be allowed to work full time until it had reached the age of 14, unless a certain standard of education had been reached. If the third standard was attained by a child of 13, he was content that it should work full time. His last proposition was to abolish an old exemption in an Act of William IV. with regard to silk mills. Through some sort of Parliamentary tactics, silk mills obtained a certain exemption when the Factory Acts passed through Parliament; children were allowed to enter them as half-timers at 8 years of age, and, if 11 years old, to work for 60 hours a week. Statistics

showed that 557,377 women and girls were employed in mills, of whom 184,000 were mothers of families. The question was, were these women, children, and young persons to be left to the mercy of "free contract," or was the measure of 1847 to be made complete? All the provisions of his Bill were recommended by the Commission instituted by the Home Office; the Commissioners were most competent men, and in their Report they stated that they were prepared to recommend that a reduction in the hours of labour should be made. That Report, however, had been most hardly treated by employers of labour outside Parliament, who impugned the personal conduct of the Commissioners, because their Report was against them; but he (Mr. Mundella) trusted the right hon. Gentleman the Secretary of State for the Home Department would stand up and defend their representations. There was no better official in existence than Dr. Bridges, and he had no doubt that Dr. Holms was equally to be relied upon. The Commissioners, like fair men, gave all the arguments for and against the Bill; but what did the employers do? Having picked out all the arguments against the Bill, omitting those on the other side, they published them with their own comments. On the other side, Mr. Mason, who he had before referred to, and who had reduced the hours of labour in his mills from 60 to 58 hours a-week, gave his opinion that the time had come when the hours of labour for children and young persons should be a little reduced, and for doing so he was hunted off the Manchester Exchange; but he added that it could not be done without the intervention of Parliament, and that the reduction should be to half-time. Mr. Redgrave expressed similar opinions, but he knew that the House had its own views on this subject. Nothing that he could say would fairly describe the neglected and miserable condition of children of 11 who had to work in a silk mill 60 hours a-week, no time for meals being deducted, and had to be up at 5 in the morning; and he was sorry to be compelled to say, what he thought a disgraceful thing—how women had to come to the mills through pouring rain, being afraid to be five minutes late lest they should be fined, and had to work in their wet clothes throughout the day. What could be the state of such children

as regarded cleanliness, and what could they be expected to learn in an evening school after the labours of the day? He would ask hon. Members, however, how they would like one of their own children of 9 or 11 years of age to be forced to come to the mill at 6 in the morning? As to the poor factory children going to night schools it was of no use, as they only sat down by the fire and fell asleep. And that was the system which was said to be essential to our national prosperity. ["Hear, hear!" and "No!"] Yes, it was stated by a Macclesfield manufacturer the other day that the trade of the country was in jeopardy, and would be ruined if the hours of children's labour were curtailed. At the Huddersfield Institution, it was ascertained that half the young women and children could not read or write. At the sewing school, out of 900 women who passed the school, not 100 could read or write, and that might be taken as the general educational average of the factory schools. The hours for women's labour were too long, and the strain on their energies too great. It was painful to see them in the early morning hurrying to the "leaving shop" to leave their children, and then hurrying on to their work. The woman was away from home 12 hours, whilst the man was only nine. What must be the condition of that woman's home under such circumstances? The average death-rate of infants under one year was in England and Wales 17,731 in 100,000; but in Stockport, in 1870-71, it was 24,350; Macclesfield, 18,877; Bolton, 21,750; Ashton, 22,300, and so on. Of 100,000 women between 15 and 55 the average death-rate in England and Wales was 919. In Stockport it was 1,198, in Halifax 1,205, in Huddersfield 1,101, in Ashton 1,191, and in Preston 1,229. In fact, there were from 40 to 50 per cent more deaths of women in these towns than in "the Black Country." In addition to all these, it appeared from a Return of the Factory Inspectors that the number of accidents in mills causing death had largely increased, the number in 1870 being no fewer than 373, while accidents causing injuries had increased from 9,000 to 18,000. For that state of things there was no remedy but the interference of Parliament, and it was for that interference that both master and men waited. The hon. Member for Brighton (Mr.

Fawcett) objected to the limitation of the hours of women's labour as placing restrictions on the employment of women all over the country, but as a matter of fact, the Bill would only bring factory labour up to a level with the general labour of the country. The idea, therefore that the Bill would interfere with the employment of women was simply an impossibility. Men might strike work, but women and children would remain under the operation of the existing Acts. Two objections were urged against the Bill. First, it was said it would interfere with female labour. That objection was insisted upon in a letter which appeared in *The Times* of Monday last, bearing the signature of Mrs. Fawcett, in which the writer stated that the inevitable result of the Bill must be one of two things—either to impose a legislative limit to labour of nine hours a-day over all the country, or place the most serious restriction and impediment to the employment of women. Now, it should be remembered that nine hours was at present the ordinary limit of labour in many parts of the country. The writer added that if it were illegal to employ women in factories more than nine hours a-day it would lead to one of two alternatives—starvation or prostitution. Now, with every respect to this lady, he must say there never was a greater mistake made in this world. He believed in his conscience that if the Bill were enacted to-morrow, so far from limiting, it would increase the demand for the labour of women. He appealed to all their experience in factory legislation. Every child taken out of the factory must be re-placed by an upward movement of female labour. There was a great scarcity of women in Lancashire, and it was quite common when a married factory worker applied for employment to say—“We will employ you, but you must bring your wife with you.” It was well known also that trades unions were subscribing to get wives having daughters to emigrate, because there was a scarcity of women. He was not going to interfere with the labour of women. If the Bill did anything it would increase the demand for them. That was the opinion of Miss Emily Faithfull, who had done so much to promote the employment of women. Women had signed the Petitions in favour of this Bill to a very

large extent, and they had raised by subscription not less than three-fourths of the funds to meet the expenses of this movement. The second objection to the Bill was urged on the ground of foreign competition. With regard to that point, Mr. Romaine Callender and Mr. Hugh Mason had both laughed at its dangers, and scouted it as a reason against the reduction of the hours of labour, and both gentlemen had adopted the principle of the Bill in their own factories. Besides, notwithstanding all that had been done in the way of foreign competition, our export of cotton had increased in three years from 1,000 millions to 3,000 millions of yards. He (Mr. Mundella) had no fear of foreign competition, and mainly because he knew that the Englishman was the best worker in the world. If we would only educate our people foreign competition would have no chance against us. The factory with which he was himself connected had adopted the nine hours system, and it had been found, from the greater freshness and vigour of the hands, that the diminution in the hours of labour made scarcely any difference in the production of the machinery. Germany recently, and France at the present moment, had imposed fresh restrictions on juvenile female labour in factories, and he might congratulate himself that he had the support of the principal manufacturers in that House in the same direction. The limit proposed by this Bill would economize fuel, gas, and wear and tear of machinery, and the result would be as much, if not more, work in the 54 than in the 60 hours. He was sorry to have talked out his own Bill; but he hoped the House would assist him to get the question fairly discussed, and he rejoiced to believe that in this as in all other cases the sufferings of the distressed would not appeal to the British House of Commons in vain. In conclusion, he begged to move the second reading of the Bill.

Motion made, and Question proposed, “That the Bill be now read the second time.”—(*Mr. Mundella.*)

MR. FAWCETT, who had a Notice of Motion on the Papers, to the effect—

“That, in the opinion of this House, it is undesirable to sanction a measure which would discourage the employment of women, by subjecting their labour to a new legislative restric-

tion to which it was not proposed to subject the labour of men."

simply rose to say, in the few minutes which were left to him, that after the speech of the hon. Member for Sheffield (Mr. Mundella), extending over an hour and three-quarters, containing such sweeping accusations against large classes in this country — accusations which must be answered in that House — he hoped the Government would give some facilities for the resumption of the debate. The hon. Member called the opponents of the Bill cold-blooded economists. Need he tell the hon. Member that there were men going to oppose this Bill who had won a proud position in this country for their philanthropy and generosity? What would he say to the hon. Member for Halifax (Mr. Akroyd)? What right had the promoters of the Bill to arrogate to themselves a monopoly of humanity, generosity, and kindness towards the poor? Those who opposed the Bill were quite as anxious as its promoters, that the labouring population should not be overworked, and that their children should be properly educated; that the age of the children should be raised; and that factory inspection should become a reality. They believed, however, that the Bill was founded on a mistaken philanthropy; and there was nothing more mischievous than a meddling philanthropy. The Bill was a mixture emanating partly from trades unions who were jealous of women's labour, and an indirect and dishonest way of getting a Nine Hours Bill for all adults. He would substantiate both those positions on a future occasion.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

MR. DISRAELI asked the right hon. Gentleman the Secretary of State for the Home Department, to appoint a day for resuming the debate?

MR. BRUCE said, it rested with the hon. Member for Sheffield (Mr. Mundella) to fix his own day.

MR. DISRAELI could not help thinking it would be convenient to the House to know to what day the debate would stand adjourned. The right hon. Gentleman said it was for the hon. Member for Sheffield (Mr. Mundella) to name the day, but that was a ceremony which

*Mr. Fawcett*

they all felt at this time of the Session was not a very substantial privilege. He thought, after the presentation of so many Petitions, emanating from so many thousands of their fellow-countrymen, and remembering that this question was brought forward last year, and submitted to the investigation of a Commission, it was most desirable, and would be appreciated by the country as a gracious act on the part of the Government, if they would, notwithstanding the state of Public Business, fix some day for the resumption of this very interesting and important debate.

MR. SPEAKER said, he must remind the right hon. Gentleman that, according to the Standing Orders of the House, the debate stood adjourned till to-morrow, when it would rest with the hon. Member for Sheffield to propose a day when it should be continued.

MR. MUNDELLA said, that being so, to-morrow he would ask the Government whether they were prepared to make any arrangement for the continuance of the debate.

#### CONSPIRACY LAW AMENDMENT BILL.

On Motion of Mr. VERNON HARCOURT, Bill to amend the Law of Conspiracy as applied to Masters and Servants, ordered to be brought in by Mr. VERNON HARCOURT, Mr. MUNDELLA, Mr. RATHBONE, and Mr. JAMES.

#### CIVIL BILLS, &c. (IRELAND) BILL.

On Motion of Mr. DOWNING, Bill to amend the Act of the fourteenth and fifteenth years of Victoria, chapter fifty-seven, intitled "An Act to consolidate and amend the Laws relating to Civil Bills and Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain jurisdiction as to Insolvent Debtors," ordered to be brought in by Mr. DOWNING, Sir COLMAN O'LOGHLEN, Mr. SMITH BARRY; and Mr. WILLIAM SHAW.

Bill presented, and read the first time. [Bill 187.]

House adjourned at five minutes before Six o'clock.

### HOUSE OF LORDS.

*Thursday, 12th June, 1873.*

MINUTES.] — *Sat First in Parliament* — The Lord Brancepeth, after the death of his father.

PUBLIC BILLS — *First Reading* — Admission to Benefices and Churchwardenships, &c. \* (158); Local Government Provisional Orders (No. 5) \* (154).

*Second Reading* — Game Birds (Ireland) (127).

*Second Reading* — Committee negatived — Juries (Ireland) \* (150).

*Seize Committee—Colonial Church* \* (118), *nomi-*  
*gated.*

*Committee—Report—Customs Duties (Isle of*  
*Man)* \* (116); *Registration (Ireland)* \* (138).

*Third Reading—Gas and Water Provisional Or-*  
*ders: Confirmation (No. 2)* \* (125); *Matrimonial Causes Acts, Amendment* \* (145), *and*  
*passed.*

#### PRIVATE BILLS.

So much of the Standing Order of the 16th day of March 1869 which requires "that the Examiner shall give at least two clear days notice of the day on which any Bill shall be examined," and also section 9. of Standing Order No. 178, *considered* (according to order), and *dispensed with* for the remainder of the Session.

#### GAME BIRDS (IRELAND) BILL. (No. 127).

(*The Viscount Powerscourt.*)

#### SECOND. READING.

Order of the Day for the Second Reading, read.

VISCOUNT POWERSCOURT, in moving that the Bill be now read the second time, said, that the difference which at present existed between the law of England and Scotland and that of Ireland in respect of the commencement of the shooting season for different species of game birds enabled the dealers of the former countries to bring game into the Irish markets earlier than the Irish dealers could lawfully do so; and besides the hardship thus inflicted direct encouragement was given to poachers to pursue their unlawful calling. The present Bill was introduced with the view of putting an end to this state of things. Under the Act of the old Irish Parliament—the 37 *Geo. III.* c. 21, the open season for moor-game, heath-game, and grouse commenced on the 20th August—the Bill proposed that in future it should commence on the 12th August; the commencement of the open season for partridge, landrail, and quail would in like manner be altered from the 20th September to the 10th September.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Viscount Powerscourt.*)

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

#### ARMY—MEDICAL OFFICERS SERVICE IN AFRICA.

#### MOTION FOR AN ADDRESS.

LORD BUCKHURST moved that an humble Address be presented to Her Majesty for—

"Return of the number of Medical Officers of the Army who volunteered and served on the West Coast of Africa between the years 1859 and 1867 under the Royal Warrant dated 1st of October 1858; and also moved for Copy of the said Warrant which relates to medical service on the West Coast of Africa."

The noble Earl was understood to say that under this Warrant several officers had served on the West Coast of Africa in the belief that one year's service would count as equal to two years' service in Europe, and that they would be also under the passport system. These medical officers had volunteered and served under these conditions, which, as he was given to understand, had not been carried out. There were only very few of those medical officers living—he believed that only about 30 of them survived. He hoped that the information on the point which he desired would be forthcoming.

THE MARQUESS OF LANSDOWNE thought that the noble Earl was labouring under a misconception with regard to the terms upon which the officers referred to had gone to the West Coast of Africa. There was no intention to withhold the information asked for, but he suggested that the medical regulations of 1859, upon which the whole question hinged, should be included in the Motion. There was a House of Commons Paper in existence which contained the names of all officers to whom the noble Earl had referred. It would be well to include that Paper also in the Return.

EARL STANHOPE suggested the addition of a Return of the names of medical officers serving on the West Coast of Africa who had died during the above period.

LORD BUCKHURST agreed to the suggestions made.

Motion amended, and agreed to.

Address for—  
Copies of that portion or portions of the Royal Warrant of the 1st day of October 1858, regulating the grades of Medical Officers in the Army;

Of Section 5. of the Medical Regulations of 1859;

Of Articles 296, 297, and 298 of the Royal Warrant of the 3d day of February 1866, regulating the Medical Service on the West Coast of Africa;

Of Clauses 15, 16, and 17 of the Royal Warrant of the 1st day of April 1867 for the Medical Department;

Returns of the Names of the Medical Officers who served on the West Coast of Africa between

the 1st day of April 1856 and the 1st day of April 1867, with the dates of their promotions, and their length of service on the coast; and

Of the Names of the Medical Officers serving on the West Coast of Africa who died during the above period.—(*The Lord Buckhurst.*)

#### RAILWAY CASUALTIES.

##### MOTION FOR RETURNS.

LORD BUCKHURST said, he had to remind their Lordships that he had on several previous occasions drawn their Lordships' attention to the question of Railway Accidents and the destruction of life resulting therefrom. He had again to trouble their Lordships on the subject. He would at present confine himself to the question of accidents to persons employed by Railway Companies. He found by Captain Tyler's Report for 1872 that 347 persons so employed had been killed during the past year, and 365 had been seriously injured. He believed that these included persons who were not exactly in the employment of Railway Companies, but who were relatives or friends of persons so employed; so that some deduction should be made from the total number. He believed that most of those accidents were caused by carelessness on the part of the men themselves, and by defective machinery and arrangements. An Act had been passed obliging Railway Companies to send in a return to the proper Government authorities; but he much feared that that law was not very strictly observed. He understood it had been laid down as law that a railway servant could not claim compensation for an injury which had been occasioned by the negligence of another railway servant, and that the relatives of a railway servant who had been killed under similar circumstances could not obtain compensation from the Company. Surely, if this was the case, it was a defect in the law which should be remedied. Instead, however, of an alteration in the law, he should like to leave the Railway Companies to take the matter in hand, and provide a system of compensation for the benefit of the survivors of those killed in their service. It appeared from statistics which had been criticized in the newspapers that a large number of railway servants had been killed from time to time, and that their survivors had received nothing in the shape of compensation. He had been told that on

the Great Northern Railway alone, within a radius of 60 miles, 60 children had been made orphans since the 1st of January. These were the children of persons who had been in the service of the Railway Company; and in every case, as he was informed, compensation was refused. The want of a sufficient number of hands might also account for many of these accidents. It was well-known that on more than one railway the men had to be on duty for too many hours at a spell. He had been told that there were pointmen on the Great Northern line who had to work 84 hours a week, and that some of them had not had a holiday for 18 months.

*Moved*, That there be laid before the House—

"Return of the number of persons in the service of each railway company in the United Kingdom who had been killed or seriously injured in the discharge of their duties from the 1st of January, 1872, to the 1st of June, 1873, and of the amount of compensation given by the Company in each case."—(*The Lord Buckhurst.*)

EARL COWPER said, that the Act which required the Railway Companies to furnish Returns of the numbers of persons in their service to whom accidents might occur each year was passed only in 1871, and that 1872 was the first year for which a complete Return could be made out. The Returns for 1872 were all, therefore, that could be produced. These were in the hands of the printer, and would be laid before Parliament, he hoped, in a few days; therefore all he could promise the noble Earl at present was Returns up to December, 1872. The noble Earl would have to wait till 1873 for the whole of the Returns asked for.

Motion amended, and agreed to.

*Ordered*, that there be laid before the House—

Return of the number of persons in the service of each railway company in the United Kingdom who have been killed or seriously injured in the discharge of their duties from the 1st of January 1872 to the 31st of December 1872; and of the amount of compensation given by the company in each case.—(*The Lord Buckhurst.*)

#### INDIA—BANDA AND KIRWEE PRIZE MONEY.—QUESTION.

LORD CAIRNS asked the Secretary of State for India, When the final

accounts of the Banda and Kirwee Booty can be presented to Parliament; and, whether Her Majesty has been, or will be, advised to take the necessary steps for referring any of the claims of General Whitlock's prize agents to the judgment of the High Court of Admiralty, under the Act 3rd and 4th Vic., c. 65?

VISCOUNT HALIFAX said, that the noble Duke the Secretary of State for India had requested him to state, in reply to the noble and learned Lord's Question, that he was not able to answer the first Question, as the information had not been received from India which was necessary to enable him to do so; and that there was no intention on the part of the Government, to open up the subject to which the noble and learned Lord's second inquiry referred.

THE EARL OF LONGFORD said, that the troops concerned in this booty were not satisfied with the mode in which their claims had been treated by the Government Departments; they asserted, and maintained the assertion, that they had not received the booty granted to them by the Crown, part of it having been withheld by the Ministers of the Crown; they maintained that their dispute ought to be referred for the decision of a judicial tribunal, and they were not satisfied that their claim should be overborne by the arbitrary action of the Government.

#### ADMISSION TO BENEFICES AND CHURCHWARDENSHIPS, &c. BILL [H.L.]

A Bill to facilitate admission to certain offices in the Church of England, and to give further powers to the Ecclesiastical Commissioners with relation to the salaries of Archdeacons—Was presented by The Lord Archbishop of York; read 1<sup>st</sup>. (No. 153.)

#### LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 5) BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Baldersby, Bristol, Buxton, Dawlish, Nelson, and Wellington in the county of Somerset—Was presented by The Marquess of LANS-  
DOWNE; read 1<sup>st</sup>. (No. 154.)

House adjourned at Six o'clock, till  
To-morrow, Eleven o'clock

## HOUSE OF COMMONS,

Thursday, 12th June, 1873.

MINUTES.] — SELECT COMMITTEE — Kitchen and Refreshment Rooms (House of Commons), Mr. Dyke and Captain Greville *added*.

*Second Report* — Civil Services Expenditure [No. 248].

PUBLIC BILLS.—*Resolution in Committee—Ordered First Reading* — Bank of England Notes \* [191].

*Ordered—First Reading—Elementary Education Act (1870) Amendment* \* [188]; *Petitions of Right (Ireland)* \* [189].

*First Reading—Conspiracy Law Amendment* \* [190]; *Tramways Provisional Orders, Confirmation* \* [192].

*Second Reading* — Supreme Court of Judicature [184].

*Committee—Indian Railways Registration* \* [168].

*Third Reading—Grand Jury Presentments (Ireland)* \* [176], and *passed*.

#### ARMY—COMMANDER-IN-CHIEF OF THE FORCES IN IRELAND.—QUESTION.

MR. ANDERSON asked the Secretary of State for War, Whether it be the fact that the Commander in Chief of the Forces in Ireland has been absent from duty for the last eight months, or for how many out of the last twelve; and, whether during such absence he has been allowed to draw full pay, command pay, and other staff allowances, and particularly table allowance, or whether any of these have been withheld while he has been absent from his command?

SIR HENRY STORKS said, that, in answer to the Question of the hon. Member, he had to state that Lord Sandhurst had received all the emoluments of his office. As regarded absence from duty during the last 12 months, he had been in Ireland from June, 1872, to the 15th of February, 1873, when he took three months' leave of absence for the benefit of his health.

#### POOR LAW—REFUSAL OF RELIEF—GUARDIANS OF ST. GERMANS.

##### QUESTION.

MR. CARTER asked the President of the Local Government Board, If his attention has been called to the case of a child, named James Johnson, of St. Germans, Norfolk, whose death is reported to have taken place in consequence of want of proper medical treatment, refused to him by the relieving



officer of the parish of St. Germans on the ground that his father was a member of the Labourers' Union; and, in case the report is well founded, what steps he proposes to take in the matter?

MR. STANSFELD, in reply, said, that he was unable to give a decided opinion as to whether or not the report was well founded, as the evidence on the subject was not complete. He had applied to the Guardians for information. They, in their answer, said that whether the relieving officer did or did not mention the fact of the father belonging to the Labourers' Union as a reason for refusing medical relief they did not quite understand, as the relieving officer denied having said so, while at the inquest on the body of the child the mother stated the reverse. The Guardians, however, justified their officer on the principle that the father of the child was perfectly able to obtain the necessary medical attendance. Under these circumstances, he did not think a case had as yet arisen for his interference.

#### ELEMENTARY EDUCATION.

##### EXPLANATION.

SIR HENRY WILMOT asked the Vice President of the Council, If the answer he is reported to have given to a deputation from the Council of the "General Association of Church School Managers and Teachers," on 23rd April,

"that the cost per head to the taxpayer for the year ending 31st March, 1873, on an average attendance of 1,399,919 children was 12s. 1½d., but that for the year ending 31st August, 1870, it was only 9s. 9d. per head,"

is correct; and, if so, if he will state the average attendance for the year ending 31st August, 1870, on which the above calculation was based?

MR. W. E. FORSTER, in reply, said, the report was substantially though not strictly accurate. What he ought to have stated was that the average cost per child in the last year of the old Code amounted to 9s. 10d., and in the first year of the new Code to 12s. 2d.; and the 9s. 10d. was calculated upon an average attendance of 1,196,257. These were the estimates; and the actual sums paid were—for the year ending the 31st of March, 1871, at the rate of 9s. 11½d.; and for the year ending March 31st, 1873, at the rate of 11s. 11d.

*Mr. Carter*

#### NIGHT SCHOOLS.—QUESTION.

MR. C. DALRYMPLE asked the Vice President of the Council, Whether he will give a Return of the number of Night Schools and of Scholars in attendance on them during last winter, when the new regulations were in force; and, whether, without altering the regulations as to attendances, he is prepared to recommend any alteration of the clauses relating to age and standards?

MR. W. E. FORSTER, in reply, said, he was unable to give the information required in the first part of the Question, as he had not yet got it, nor would he be able to obtain it until he had the results of the Inspection in his hands. As regarded the second part of the Question, they did not intend making any alteration in the clauses relative to age and standards.

#### NAVY—ADMIRALTY CONTRACTS.

##### QUESTION.

MR. MILLER asked the First Lord of the Admiralty, Whether the stores required by the Admiralty are purchased or contracted for through the agency of brokers, or by open competition, or by application to selected lists of merchants and tradesmen, or by all the three modes; and, whether he is willing to lay upon the Table of the House, or to consent to a Return of the names of the Brokers usually applied to; of the title and place of publication of the Newspapers in which advertisements for Tenders are inserted; and, of the names of the selected Merchants and Tradesmen applied to in each of the several classes of Stores required?

MR. SHAW LEFEVRE, in reply, said, that stores were purchased in three ways—through brokers, and by application to selected lists of merchants, but mainly by open competition. Information on the subject had been laid before the recent Committee on Contracts, and hon. Members would be able to refer to the Evidence, as it would be printed and placed on the Table.

#### RAILWAY COMMUNICATION WITH INDIA.—QUESTION.

SIR GEORGE JENKINSON asked the First Lord of the Treasury, Whether, in view of M. Lesseps' proposed Railway to connect Russia with India by a Central

Asian Railway, Her Majesty's Government are disposed to re-consider their policy as to co-operating with the Turkish Government for the purpose of obtaining a shorter and an alternative route between England and India by the construction of a Railway to connect the Mediterranean with the Persian Gulf; and whether, in furtherance of that object, they are disposed to re-consider the Report of the Select Committee of this House on that subject; so far as it related to the desirability of that object being attained?

MR. GLADSTONE, in reply, said, he was prevented, by indisposition, from hearing the recent discussion on the Euphrates Valley route, and must be guided mainly by what appeared to be the decisive opinion of the House pronounced on division. Since that time the Government had kept their eyes open to intelligence coming from the East, and they would continue to do so; but they had not seen it to be their duty to take any step in consequence of that intelligence, which would be in contravention of the opinion expressed by the House.

SIR GEORGE JENKINSON gave Notice that in consequence of the answer he had received, and seeing the daily increasing gravity of the question, owing to the plans of M. Lesseps on the one hand and Baron Reuter on the other, he should call attention to the subject on as early a day as possible next Session, and move for a Select Committee.

#### SPAIN—RECOGNITION OF THE SPANISH REPUBLIC.—QUESTION.

MR. P. A. TAYLOR asked the Under Secretary of State for Foreign Affairs, Whether the Government are prepared to recognize the Spanish Republic now that it has been formerly ratified by the new constituent Cortes?

VISCOUNT ENFIELD: Sir, Her Majesty's Government have received no official intimation from the Spanish Government on the subject, and I am therefore not in a position to give any reply to the hon. Member's Question. When any official communication is received Her Majesty's Government will lose no time in taking the matter into consideration.

MR. P. A. TAYLOR: In consequence of the reply I have just received, I beg

to give Notice that on an early day I shall move an Address to the Crown praying that Her Majesty's Government be directed to recognize the Spanish Republic.

#### EAST INDIA HOUSE MUSEUM.

##### QUESTION.

MR. REED asked the Under Secretary of State for India, Whether any arrangements have yet been made for the Exhibition of the Museum transferred from the East India House to Whitehall; and, if not, whether the Collection could be restored to the East of London by being placed in the Museum upon Bethnal Green?

MR. GRANT DUFF: In reply Sir, to my hon. Friend I have to say that arrangements have long since been made for the exhibition of the India Office Museum, and that it is visited by about 50,000 people every year. That number is greater than the number which used to visit it when it was in Leadenhall Street, and I hope that some schemes with respect to it, which are under consideration at present, may lead to its becoming still more attractive to the general public. I am not sure whether my hon. Friend is aware, however, that the primary object of the Indian Museum is not exhibition to the general public. The Indian Museum is a very important accessory to the department of the Reporter on the products of India, an officer who is in constant communication with manufactures, merchants, and all manner of persons engaged or desiring to be engaged in trade with India, who are continually referring to him and to the Museum for information. I need not say that the more the Museum can be made useful and agreeable to the general public without interfering with its primary object the better shall we be pleased; but it is essential to its primary object that it should remain in or near the place where it now is.

#### ARMY—RIFLE RANGE, COLCHESTER.

##### QUESTION.

COLONEL LEARMONTH asked the Surveyor General of Ordnance, Whether the Government are taking any steps to provide the troops at Colchester with a rifle range?

SIR HENRY STORKS: In answer, Sir, to my hon. and gallant Friend, I have to state that endeavours are being made to obtain a suitable rifle range for the troops at Colchester on reasonable terms. Tenders for land for the purpose have been advertised for, but one only was received, at £800 a year, with an immediate payment of £500. We are now making inquiries as to the possibility of obtaining on terms which can be entertained certain rights over land adjacent to the War Department property, which is in itself hardly sufficient in extent.

#### ARMY—CARLISLE FORT.—QUESTION.

MR. MCCARTHY DOWNING asked the Surveyor General of Ordnance, Whether it is the fact that the fortifications in progress at Carlisle Fort, on the Cirk Harbour, are to be stopped for want of necessary funds or other cause; and, if so, when it is supposed the works may be resumed?

SIR HENRY STORKS: No, Sir, it is not the fact that the fortifications at Carlisle Fort are to be stopped.

#### IRELAND—ACTS OF SUPREMACY AND UNIFORMITY.—QUESTION.

MR. JOHN MARTIN asked the First Lord of the Treasury, Whether it is the intention of the Government, in this Session, to bring in a Bill for the complete repeal of the Acts first Elizabeth, chapter 1, and thirteenth Elizabeth, chapter 2, the penalties under which were at least partially repealed by the Act ninth and tenth Victoria, chapter fifty-nine?

MR. GLADSTONE, in reply, said, that the Question of the hon. Member did not bear upon its face what is really referred to. It really referred to the recent judgment in the Court of Queen's Bench in Ireland delivered in the case of "Father O'Keeffe v. Cardinal Callan." That case was now under appeal, and until it had been finally determined by the legal tribunals in that country, it would be premature on the part of the Government to enter into any consideration of the question.

#### ARMY—MILITARY HOSPITAL AT PORTSEA.—QUESTION.

SIR JAMES ELPHINSTONE asked the Surveyor General of Ordnance,

Whether he has received a memorial from certain inhabitants of Portsmouth, objecting to the erection of a Military Hospital for Contagious Diseases in a site in close proximity to the town of Portsea, on the ground that it would be highly dangerous to the public health; whether it has also received a memorial to the same effect signed by the medical men of Portsmouth; and, whether it is the intention of the War Department to persevere in the erection of the building on the site objected to, or whether steps will be taken to select another site?

SIR HENRY STORKS: Sir, both memorials have been received. The memorial of the inhabitants was referred to the Army medical authorities, who gave it as their opinion that there were no grounds for alarm, and as it appeared that no other equally suitable site could be obtained, except by allotting a portion of the land intended for the people's park, the memorialists were informed that the Secretary of State was unable to comply with their request. The second memorial—that signed by the civilian medical men of Portsmouth—has been referred to the Army Medical Department, and is still under their consideration.

#### MASTER AND SERVANT WAGES BILL—

##### THE TRUCK SYSTEM.—QUESTION.

SIR DAVID WEDDERBURN asked the Secretary of State for the Home Department, Whether he still intends to introduce during this Session the "Master and Servants Wages" Bill, or any other measure dealing with the Truck system?

MR. BRUCE, in reply, said, that it was not his intention to introduce such a Bill as was indicated by the Question of the hon. Baronet during the present Session, for two reasons—first, because it would be impossible for any measure to give satisfaction to both parties under present circumstances; and, secondly, because, since the publication of the Report of the Commission, the Truck system had very generally ceased in consequence of the action of the men themselves. It was highly inexpedient to introduce legislation in a period of transition, or until the further course of events had been observed, and the necessity for a stronger measure than the existing law established.

## CENTRAL ASIA—THE ATTREK VALLEY.

## QUESTION.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, Whether the Government can give the House any information as to the intended occupation of the Attrek Valley by the Russian Government; whether the Russian Government have claimed possession of this valley; whether the route along this valley is not the direct road from the Russian Ports on the Caspian to Herat; and, whether any Communication has been received from any Foreign Power by Her Majesty's Government or by the Government of India upon the subject?

VISCOUNT ENFIELD.—Sir, with respect to the first and second Questions of my hon. Friend, the Foreign Office have no official information upon those points. With regard to the third Question, I confess that I am not sufficiently acquainted with the roads and passes in Asia to be able to hazard an opinion; and, as touching the fourth query, I may say that no such communication has been received by Her Majesty's Government, and the Government of India is not in direct communication with Foreign Powers.

## PARLIAMENT—ORDER OF BUSINESS—

## THE FACTORY ACTS AMENDMENT

## BILL—QUESTIONS.

MR. MUNDELLA asked the First Lord of the Treasury, Whether the Government will grant a day for the continuance of the discussion on the Second Reading of the Factory Acts Amendment Bill?

MR. D. DALRYMPLE asked, whether, considering the position in which his Bill had stood on the Paper on the evening when the crisis on the Irish University Bill occurred, he had not a prior claim to the hon. Member for Sheffield?

MR. GLADSTONE, in reply, said, it was beyond his power to determine the relative importance of the Bills of the hon. Members. The fact was that the Government were in a great difficulty at the present moment with reference to the Public Business, and therefore it would be impossible for him to give any decided answer to the hon. Member for Sheffield at the present moment. The

Second Reading of the Supreme Court of Judicature Bill stood for that night, and there were also the Bills of the right hon. Gentleman, the President of the Local Government Board, and one or two minor measures to be disposed of within a certain limited time. The Bill of the hon. Member for Sheffield was not only of very considerable importance, but was one on which it was desirable that there should be full and complete discussion. He trusted that the hon. Member would take his assurance in a friendly spirit that the Government would meet his views by giving him an opportunity of bringing on his Bill at the proper period of the Session, when a discussion on it would not be ineffectual.

## THE CIVIL SERVICE—CASE OF THE

## WRITERS.

## PERSONAL EXPLANATION.

MR. OTWAY wished, in asking a question of the Prime Minister, to be allowed to make a personal statement relating to it. On Tuesday he had given Notice of Motion for an inquiry into the complaint of some hundreds of persons in the Civil Service. The right hon. Gentleman the Member for South Hants (Mr. Cowper-Temple) had precedence of him for that evening, but was not there to proceed with his Motion. In his absence the right hon. Gentleman in the Chair called upon him (Mr. Otway) to proceed with his Notice; but though he was close to the door he was unable to comply with the direction. During the last Session of Parliament he had given Notice of a Motion similar to that of Tuesday last, and he was induced to withdraw it in consequence of a statement made by the Chancellor of the Exchequer from his place in Parliament. Under these circumstances, he appealed to his right hon. Friend at the head of the Government to grant him facilities for bringing forward the Motion. It was a grave matter that a large body employed in the Civil Service should be discontented, and as they alleged in consequence of the non-fulfilment of promises made by a Minister of the Crown. He did not ask his right hon. Friend to state that night what day he would grant, but he would undertake to state and dispose of the question, if the Committee of inquiry was granted, so

far as he was concerned, in five minutes; and whatever debate might arise on the Chancellor of the Exchequer's reply need not occupy any great amount of time, probably at the utmost not more than two or three hours. The question affected between 3,000 and 4,000 Civil servants of the Crown, and it was most desirable that it should be settled as soon as possible.

COLONEL BERESFORD wished to know why the hon. Member had lost seven or eight minutes on Tuesday night by being closeted with the hon. Member for Shaftesbury (Mr. Glyn)?

MR. OTWAY said, he had not the slightest desire to repudiate the friendly feelings which existed between himself and the hon. Member for Shaftesbury, and would only reply that the meeting did not last three minutes; and the conversation referred solely to the Motion which he (Mr. Otway) intended to bring on at a later hour.

MR. GLADSTONE said, it was evident that the hon. Member for Chatham had been beguiled on his way to the House. The Question of the hon. Member was, in fact, answered by the statement he (Mr. Gladstone) had just made in reply to the Question of the hon. Member for Sheffield, that the Government had no immediate time at their disposal. He was told by the hon. Member that the number of those gentlemen was between 3,000 and 4,000. The fact was, as he was informed, that the number employed, not in the Civil Service under the Crown, but certainly in the Civil Service Department, was about 1,100. He quite agreed that the question was one which should be settled as speedily as possible consistently with the demands of the Public Business. What he would suggest was that the points in discussion, which were few in number and exceedingly narrow, should be thoroughly considered between the hon. Member and the Government; and if that were done he did not believe that even the five minutes which the hon. Member said would be all he required to state his case, would be requisite. If that suggestion was not assented to, the hon. Member might perhaps return to the subject.

#### ORDERS OF THE DAY.

*Ordered*, That the Orders of the Day subsequent to the Order of the Day for

*Mr. Otway*

the Second Reading of the Supreme Court of Judicature Bill be postponed until after the Notice of Motion relative to the Elementary Education Act (1870) Amendment.—(*Mr. Gladstone.*)

#### SUPREME COURT OF JUDICATURE

BILL. (*Lords.*)—[BILL 154].

(*Mr. Attorney General.*)

#### SECOND READING—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [9th June], "That the Bill be now read a second time;" and which Amendment was,

To leave out the word "That" to the end of the Question, in order to add the words "it is inexpedient to abolish the jurisdiction of the House of Lords as an English Court of Final Appeal,"—(*Mr. Charles.*)  
—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. LOPES said, that the measure introduced into the judicial system of the country most vital and important changes. It proposed to reconstitute and remodel the Law Courts of the country; to abolish the House of Lords as an ultimate Court of Appeal; and by a schedule of rules so vague and uncertain that no practitioner could determine whether for the future Equity or Common Law pleading was to prevail, to create a new form of procedure in substitution for that which was well defined and well understood. The charges against our present system of Judicature were embodied in the speech of the Attorney General. That hon. and learned Gentleman said that at the present time there were two systems of Jurisprudence in this country—one a system of Law, and the other a system of Equity—and that those two systems were invariably conflicting with each other. He (Mr. Lopes) submitted that it was not a very true description of the two systems. It was perfectly true that a system of Equity had grown up in this country in order to meet the requirements of modern times—requirements that the Common Law was not sufficiently elastic to meet; but these two systems were not disconnected, distinct, and antagonistic systems; on the contrary, they were closely allied. They

were both administered under the same Statute Law, and proceeded according to the same great maxims of Jurisprudence. He perfectly agreed with the Attorney General that it was impossible to have a fusion of Law and Equity, and all they could aim at was to have a concurrent administration of the two systems. But how would the consolidation of all the Courts into one Supreme Court in any way promote a concurrent administration of the two systems? Was any one so credulous as to believe that, after this Bill became law, if anybody desired to enforce a contract he would do otherwise than go into Division No. I., which would be the Equity Court, and file a Bill for specific performance; or so credulous as to believe that if anybody wished to sue for damages he would go anywhere else than to Divisions II., III., and IV., which would be the Common Law Courts? It was proposed by this Bill to disestablish these Courts in order to re-establish them under another name. If the object of consolidating the Courts was to promote more easy interchange of legal and judicial strength, the Government ought by a bold measure to do away with the old lines of demarcation, and constitute a Supreme Court free from any barriers of the kind. The Attorney General said one of the great evils we had to contend with was that at present a suitor often could not obtain full redress without being driven from one Court to another. That he (Mr. Lopes) admitted was an evil which required a remedy; but the Judicature Commissioners had suggested a much more easy remedy for it than was proposed by this Bill. They advised that there should be a concurrent administration of these two systems, and that every superior Court should have the power of deciding all questions of Law and Equity between the parties. Many years ago the Court of Exchequer administered not only Law, but Equity. [THE ATTORNEY GENERAL: It administered both systems, but not by means of the same procedure.] Both systems were administered by means of the same Judges, and he defied the Attorney General to say that plan was unsatisfactory to the suitors, or that they had any reason to complain of it. The hon. and learned Member for Denbighshire (Mr. Osborne Morgan), said that the Common Law Judges could not administer Equity.

But there was no such great-mystery in the administration of Equity that a highly-trained legal man could not deal with all questions of Equity as well as Law that might arise in any ordinary actions. He (Mr. Lopes) appealed to the Attorney General whether there was one case out of 50 of the cases which came before the Common Law Courts in which a question of Equity arose. It was not very long since the Court of Chancery was empowered by Act of Parliament to administer certain portions of Mercantile Law, and he appealed to members of the Equity Bar whether Judges of the Court of Chancery had proved unequal to the occasion and had not given satisfaction to the suitors. Then, again, the duties of the Divorce and Probate Court had been discharged by three Common Law Judges new to those duties, not only with the approbation, but the admiration of the profession and of the whole community. He did not agree with the hon. and learned Member (Mr. Osborne Morgan) that if new functions devolved upon Common Law Judges they would be unwilling to use them. The Judges had been willing to use the powers already given to them. The true state of the case was this—that although the different Commissions which had sat on these questions over and over again recommended that large powers should be given to the Judges so as to enable them to deal with every case that came before them, yet when the House was called on to give effect to these different recommendations, the Acts of Parliament passed had always fallen short of the power required to carry the recommendation into effect. He maintained—and that was the Attorney General's own statement—that the two main objects to be sought in the Bill were, first, the concurrent administration of Law and Equity; and, secondly, the giving of power to every Judge to afford full redress to the suitors, and that in order to secure these objects it was not necessary to reconstitute the old Courts of this kingdom. The objects might be obtained in the much easier way recommended by the Commissions referred to. If, however, it was necessary to consolidate the Courts, the Bill proposed to do so in a most imperfect way by keeping up old distinctions which were useless. Then it was proposed to abolish the Appellate Jurisdiction of the House of Lords for

English cases, and many expressions had been used which were far from courteous or respectful to the noble and learned Lords who exercised jurisdiction there. The hon. and learned Gentleman (Mr. Osborne Morgan) spoke of them as a kind of Greenwich Pensioners. The Solicitor General called them octogenarians. The Attorney General contented himself with describing them as an irresponsible body—which he supposed might be applied without much harm being meant or done to any Court of Final Appeal. He would not abolish the Appellate Jurisdiction of the House of Lords, because he believed such abolition to be unconstitutional. He would not stop to ask whether it might detract from the dignity of the House of Lords, but was it not possible that it might detract from the strength and dignity of the Judicial Bench? The Judiciary of this country had always been regarded as part of our political system. The Judges had always been the Constitutional advisers of the House of Lords; but they were now reduced, from this high position in the State, to be a mere Department of the Executive. With respect to the character and composition of the House of Lords as an Ultimate Court of Appeal, he readily admitted that it should not continue to be an Ultimate Court of Appeal without certain additions to its strength as such, and certain provisions for a more continuous sitting at Westminster. But those were matters which it would not be difficult to bring about. As a Court of Ultimate Appeal the House of Lords had hitherto possessed the confidence of the country; and the decisions of that tribunal, as recorded in the Reports, had almost invariably been received by the profession with respect and satisfaction. What were we about to substitute? The Court of Exchequer Chamber and the Lords Justices were to be abolished as Courts of Appeal. In their place were appointed nine gentlemen. The five *ex officio* Judges who were also to be members could not sit upon it, for they were to act as the heads of their respective Courts, and not even Judges could be in two places at once. Nor could you rely upon the attendance of the additional and unpaid members. There would thus in practice be nine members of the Court of Appeal. But under the Bill, the Court of Appeal might be subdivided

into three Courts, of which three members would be a quorum. Would anybody contend that a Court constituted of three Judges as the only and the final Court of Appeal could be so satisfactory a Court as the Exchequer Chamber and the House of Lords? But the House of Lords would still have jurisdiction in Scotch and Irish cases; the Judicial Committee would still deal with colonial and ecclesiastical cases; and these, with the new Court, would form three Courts of Appeal, perhaps giving contrary decisions in some respects. This would be a very unsatisfactory state of things. The proposal to refer the Bill to a Select Committee was justified by the skeleton schedule of rules alone. It was a complicated and technical subject, and he would only say, therefore, that the schedule would do away with two established systems of pleading well-known and understood, and substitute a third of which we knew nothing. Such a subject could not be considered in this House. Nor was the matter an unimportant one, for this schedule contained the machinery upon which depended the success or failure of the new system. Surely the settlement of the rules was a matter for a Select Committee? The hon. and learned Member for Taunton (Mr. James) was of this opinion before he changed his mind, as hon. Gentlemen on the Government side of the House were accustomed to do. The hon. and learned Member thought the passage of this Bill this Session would be imperilled if it was sent to a Select Committee; but it had better be dropped at once than allowed to pass in an imperfect state. It had been said that professional men could not spare the time to sit on the Bill in Committee; but they had never been asked. It was by no means certain they would not, and certainly a Select Committee would be a less tax on their time than a Committee of the Whole House. The Solicitor General had furnished a most unanswerable argument in favour of this course. If a longer time had been devoted to the Bill, he had said at the close of his speech, it might have been made more perfect and more workable. No stronger argument could be urged for sending it to a Select Committee, and he left the proposal with confidence in the hands of the Solicitor General. There were two matters of detail which especially required atten-

tion: He strongly objected to the provisions enabling a Judge to refer matters involving "any local and scientific questions" to a referee. The power was too large. At present a Judge had no power to refer except in the case of mere matter of account, and then it must be to a Master or officer of the Court. Under these powers the Judges could send almost any case to a referee, for what cases did not involve local or scientific matters or questions of account? The hon. and learned Member for Dungarvan (Mr. Matthews) had rightly said this was creating a number of inferior Judges, for it was absurd to suppose the Judges would reject the opinion of a referee on a matter of fact when once it had been taken. The Solicitor-General, in reply to this, had charged the hon. and learned Member for Dungarvan with not having read the Bill, but if he denied this interpretation of the clause, he laid himself open to the charge that he had not read the Bill, at least for any useful purpose. He also objected to the proposal to remit proceedings before notice of trial to Registrars, especially because there would be no appeal from their decision. In London these proceedings were deemed most important, and an appeal was allowed at every stage. Besides, the proposal in the Bill would work unfairly to one of two lights, living at a distance from each other. We should have District Registrars all over the country discharging the same duties, but coming to different conclusions. For instance, the District Registrar of Liverpool might take a different view from the District Registrar of Exeter, the consequence being that there would be no uniformity in the decisions. The best course for the Government to pursue would be to let the Bill lie fallow until next Session. That would be much better than passing a measure which the Solicitor-General admitted to be wanting in detail and not so workable as it might be made. If the measure was a good one, it would stand the test of criticism and come before the House in a stronger form. If not, it might be discussed and digested during the long vacation, and many of its defects might then be cured.

SIR FRANCIS GOLDSMID said, that having passed more than a quarter of a century of his life at the Chancery bar, he still, although he had now left it upwards of half that time, retained

sufficient interest in all matters connected with the administration of justice to be desirous to make a few observations on the very important measure now under consideration. He would first address himself to the Amendment of the hon. and learned Member for Salford (Mr. Charley), who had not received much encouragement in the course of the debate, the only speakers by whom he was strenuously supported being the hon. and learned Members for Dungarvan and Llancoaston (Mr. Matthews and Mr. Lopes). Without travelling again over all the arguments so ably urged by the Attorney General in his opening speech, he (Sir Francis Goldsmid) would mention two or three practical considerations which were of themselves sufficient to show the expediency of abolishing the House of Lords as an English Court of Appeal. In his early days at the bar the prevailing impression certainly was that ex-Chancellors were—he would not say bound—but certainly expected to give, in return for their retiring pensions, constant attendance on the hearing of appeals, unless prevented by some grave cause, such as serious illness. But whatever understanding of this kind might have existed 30 or 40 years ago, there was clearly no such understanding now. Noble and learned Lords absented themselves if there was the slightest personal inconvenience in their attending; and during the last few years some of them had given, for a proper consideration, their services in private arbitrations. This last practice not only had the effect of leaving to them for the hearing of appeals only those fractions of their time which they did not require for recreation, and could not more profitably employ elsewhere, but it had a more serious consequence still, to which the Law Officers of the Crown had been probably prevented from referring by the restraints of official reserve. He (Sir Francis Goldsmid), however, felt himself at liberty to declare his opinion that this new usage tended seriously to lower the character of the House of Lords as a Court of Appeal, and to render inapplicable all that had been said of its prestige and of the reverence felt for it. How, indeed, could suitors retain such reverence when the learned individuals who one day formed a part of the Supreme Court were found the next day devoting their time to



matters of which any eminent barrister might dispose, and in which the most eminent barristers usually declined to employ themselves, because they preferred a different kind of occupation? These noble Lords indicated by the course they pursued their concurrence in the idea mentioned by the Attorney General a few nights ago, that a lawyer's opinion obtained without direct payment was usually worth exactly the sum given for it. Then, again, the hon. Members who contended against the abolition of the jurisdiction of the Upper House in English Appeals must feel how hopeless their contention became through the very fact that that House had sent down to us the measure under consideration. These hon. Members were, to use a French phrase, "more royalist than the king," more attached to the authority of the House of Peers than the Peers themselves. This position of things recalled the old legend about the Pope who was accused of heresy before his own tribunal, found himself guilty, adjudged himself to be burned, and was burned accordingly—" *Judico me cremari*," he said. " *Et crematus fuit*." The House of Lords had pronounced sentence, not indeed against themselves personally, but against their Appellate Jurisdiction; and we might well lay to heart the principle suggested by the legend, that when accused parties condemned and passed sentence on themselves, the sentence might be carried into effect without much risk of injustice. It was strange that the hon. and learned Member for Salford (Mr. Charley) and others who had cited the arguments used by eminent Law Lords not many years ago in defence of the Appellate Jurisdiction did not perceive that these arguments had now become authorities on the other side. For when we found that such distinguished men had by these arguments indicated not long since their natural leaning in favour of the authority of their order, and that nevertheless some of them actually supported, and the others acquiesced in, the present Bill, we were driven to the conclusion that they had been unable to dispute the accumulating proofs of the inconvenience of the Appellate Jurisdiction, or to withstand the irresistible logic of facts. He (Sir Francis Goldsmid) would now pass to the Amendment of the hon. and learned Member for Denbighshire (Mr.

Osborne Morgan) for the appointment of an Equity Judge to each Division of the proposed High Court of Justice. In that Amendment he (Sir Francis Goldsmid) concurred, on the simple principle that men, however able, generally did best the work to which they were most accustomed. He understood that in "another place" that principle had been contested by some of the leading supporters of the Bill. But, however that might be, it had been frankly admitted by the Attorney General; and the only question that remained between him and the hon. and learned Member for Denbighshire was how and when the requisite assistance of an Equity Colleague was to be provided for each of the Courts of Queen's Bench, Common Pleas, and Exchequer. The Attorney General objected to that being done by an express provision in the Bill. But he would at least admit that the Bill ought not to contain provisions which would make it difficult or impossible, and that, for the present, at least, the 28th and 31st clauses did. [The ATTORNEY GENERAL here intimated that he proposed to alter those clauses so as to obviate any difficulty about the appointment of the Judges required.] That being the case, he would not pursue this branch of the subject, but would say a few words on two or three other points. The hon. and learned Member who had last spoken (Mr. Lopes) had said that all that was required was to enable all the Courts to decide questions of Equity as well as Law. But, independently of the creation of a new Court of Appeal, this, as he (Sir Francis Goldsmid) understood the matter, was the principal thing that was done by the Bill. To the proposal to refer the Bill to a Select Committee he could not agree. The hon. and learned Member for East Sussex (Mr. Gregory) had disputed, but the hon. and learned Members for Dungarvan and Launceston (Mr. Matthews and Mr. Lopes) had frankly admitted, that reference to a Select Committee was another phrase for postponement to next Session; and, indeed, considering the vehement dissent which the hon. and learned Member for Dungarvan had expressed from the most important portions of the Bill, it was to be wondered that, instead of deferring it till next Session, he did not propose to defer it to the next century.

*Sir Francis Goldsmid*

True it was that there were some slips in the Bill. He (Sir Francis Goldsmid) had himself remarked one in Clause 21, Sub-section 3, which sub-section was intended to enable a defendant to bring before the Court another person as defendant, in order that the whole matter might be adjudicated upon. The provision as it stood would enable B, against whom A had brought an action to recover possession of an estate in Yorkshire, to tack to the action a proceeding against C, who had never had anything to do with Yorkshire, for an assault committed by him against B in the streets of London. But this, and some other minor errors, might be easily corrected. It was not a measure ill-drawn throughout, and of which the imperfections could only be removed, if at all, by the labours of a Select Committee. On the contrary, the Bill, as a whole, was framed with a skill worthy of the distinguished man who was understood to be its author. He (Sir Francis Goldsmid) therefore hoped that it would be allowed to go to a Committee of the Whole House, and he had no doubt that it would be reported by that Committee in a shape which would make it workable, useful to suitors, and beneficial to the country.

SIR RICHARD BAGGALLAY said, that the gravity of the question and the importance of its being dealt with at an early period were admitted on all hands; but whether the present was the best time for so doing was a matter of doubt, for he had a strong conviction that until they had codified the law, and provided fitting habitations for our several tribunals, it was impossible to expect that they could have even approximately any complete amalgamation or blending of the two systems of Law and Equity. Still, they might with great advantage pave the way for that improved and more perfect system to which they hoped at some time to attain by carrying into effect the following three substantial proposals of the Bill now under consideration:—Firstly, the consolidation into one Supreme Court of the several Superior Courts of Law and Equity, together with the Probate, Divorce, and Admiralty Courts, and also the London District Court of Bankruptcy; and the vesting in that Supreme Court and its various Divisions and sub-divisions of all the jurisdiction and authority which

could now be exercised by either or all of the several Courts of which it was to be constituted. Secondly, the introduction into that Supreme Court of a procedure as uniform as might be consistent with the various classes of cases brought under its cognizance. And, thirdly, that in all cases where the rules of Law and Equity conflicted, effect should be given to the rules of Equity. To each of those three propositions he gave his full and entire assent, believing that if they could be carried out they would be taking a decided step in the direction of that amalgamation of Law and Equity to which they were all looking forward. However, as regarded two of those propositions, he dissented in several respects from the particular modes in which it was now sought to give them effect. He might be told that these were matters of detail for consideration in Committee rather than on the second reading; but, nevertheless, they involved principles of very great importance, and he trusted the Attorney General might see in some of the objections which he was about to state further reasons, in addition to those already urged, for agreeing to refer the Bill to a Select Committee. His chief objection to the measure was the proposed constitution of the Supreme Court of Appeal. It was to be composed of three classes of Judges. The first class consisted of Chancery Judges who had hitherto—with the exception of the Master of the Rolls—sat as a Court of Appeal in Lincoln's Inn, dealing with appeals from the Court of Chancery alone. The second class consisted of Common Law Judges who had heretofore sat at Westminster Hall, in the Exchequer Chamber, disposing of questions of Common Law; and the third, of Judges who had sat in the Council Chamber at Whitehall hearing, among other cases, appeals from the colonies. How could they expect that any change would be made in the nature of the duties which these several classes of Judges would have to discharge when that Bill became law until they had provided proper accommodation for them in the new Courts? While things remained as they were now, did anybody suppose they would have Judges going from Lincoln's Inn to assist other Judges at Westminster? The inevitable result of what was proposed by the Bill would be, that they would have the same Judges, though under different names,

discharging the same duties in respect to appeals as they did at present. He was bound to say he did not see any great objection to that. Some years must elapse before they had the law codified and the new Courts built, and in the meantime what they were going to do must be in the nature of an experiment, or transition only. If, then, they conferred on all the Judges equal power and authority, and also applied an uniform procedure to the several Courts, he should not object to the Courts of Appeal remaining substantially as they were now, provided the appellate jurisdiction of the House of Lords was not abolished. With regard to the appellate jurisdiction of the House of Lords, his objection to abolishing it did not arise out of any feeling but by so doing the importance or the dignity of their Lordships' House would be interfered with, for they were all aware that for many years past that jurisdiction had been exercised, not by the House in its integrity, but by the judicial Members of it, and every suggestion for increasing its judicial power had proceeded upon principles which would have rendered the tribunal still less than before a representative of the hereditary element of their Lordships' House. Until, however, it had been ascertained what would be the working of the new Court of Appeal which it was proposed to create, it was not, in his opinion, desirable to part with the ultimate right of appeal to the House of Lords. After the new Court was constituted, and had done some work, it might be found that the appeal to the House of Lords could be safely and advantageously abolished; but until that was ascertained, it was of the utmost importance in the interests of the public at large to retain the appellate jurisdiction of the Peers. This was exactly the view taken by the Judicature Commissioners in their first Report. The Commissioners said—"It might hereafter deserve consideration, after experience of the working of the Court, whether its decisions may not be made final;" but "in the meantime" they recommended that there should be an appeal to the House of Lords. His hon. and learned Friend the Solicitor General, referring to what had been stated by his hon. and learned Friend the Member for Dungarvan (Mr. Matthews), drew attention to an earlier

passage in the Report, which he seemed to think took away from the effect of the passage he had just quoted; but he saw nothing of that kind in the paragraph referred to. The passage to which the Solicitor General referred was to this effect—the Commissioners did not consider it within the scope of their Commission to pronounce upon the constitution of the House of Lords, considered as a Court of Appeal; their only suggestion was this—that inasmuch as the Lord Chancellor was President of that tribunal when it sat he was prevented from sitting in the Court of Chancery for four days a week while Parliament was in Session. They had indicated no doubt or hesitation as to the qualification of the House of Lords for the exercise of its appellate jurisdiction. Looking to the names appended to the Report of the Commissioners—and it was impossible to have selected a body of men better qualified for the discharge of the duty intrusted to them—he observed that the name of the Attorney General was among those who concurred in the Report. They had, therefore, got the distinct recommendation of the Commissioners to the effect that, until they had experience of the newly-suggested Court of Appeal they should retain the House of Lords as a Court of Ultimate Appeal. The practical results of the labours of the House of Lords would show how important it was to reserve to suitors the right and privilege which they now possessed. By reference to the reported cases of the decisions of the House of Lords he found that, during the last seven years, in 23 English and Irish appeals they had reversed the decisions of the first Appellate Court, and in 11 of those the first Appellate Court had affirmed the decision of the Court of First Instance. In every one of these cases, therefore, the suitor would have been denied the justice which he ultimately got, if it had not been for the existence of the House of Lords as a Court of Final Appeal, and he had never heard it asserted that any of those decisions had given dissatisfaction either to the profession or to the public at large. There was another view that might be taken of this matter. If they were asked to abolish the appellate jurisdiction of the House of Lords, not on the ground that a new Appeal Court was certain to work well, but because the House of

Lords was unsatisfactory as an appellate tribunal, would it become more efficient, if, when deprived of the Lord Chancellor and perhaps of some of the other Law Lords, it was retained as a Court of Appeal for Scotch and Irish cases? Another objection to the new Court of Appeal was the inadequate proportion of Equity to Common Law Judges. As at present proposed, the Court of Appeal was to be composed of Common Law and Equity Judges in the proportion of three to one, and yet this was the Court which was to give effect to the rules of Equity when the rules of Law and Equity conflicted. The public would not be satisfied with such a constitution of the Court of Appeal unless there was an ultimate right of taking a case to the House of Lords. As to the High Court of Justice, the Attorney General, assenting to the spirit of the Amendment of the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) for adding an Equity Judge to each of the Common Law Divisions, had stated that the Lord Chancellor intended, as vacancies arose on the Common Law Bench, to appoint Equity lawyers, and that he had reason to believe Lord Cairns, in the event of a change of Government, was prepared to do the same. It was a strange thing that the House should be asked to pass a Bill admittedly defective on a promise or suggestion that the deficiency would be supplied by the present or a prospective Chancellor. It was the more unsatisfactory because, as he read the Bill, Common Law Judges would no longer be appointed by the Lord Chancellor, but, as the Equity Judges were now, by the Premier. He had shown that he objected to the immediate abolition of the appellate jurisdiction of the House of Lords; and to the want of sufficient provision of Equity Judges in the constitution of the Supreme Court. There were a variety of other matters in the Bill which required very careful consideration; but they were mere matters of detail which could be very well settled in Committee. The appointment of referees and district Registrars within certain limits might be very desirable; but so far as regarded the extreme power proposed to be conferred upon them it would be most disastrous if the Bill passed in its present form, and would lead to enormous expense on the part of the suitors without conferring on them

any corresponding advantage. If they passed beyond the clauses of the Bill to the number of rules contained in the Schedule, there was ample work provided for many days' consideration, and, in his opinion, it would be utterly impossible to deal with all those questions in a Committee of that House. He believed the Bill might be amended in a form to make it workable, and that if it could not be done within the compass of the present Session, the public would gain by the delay, even if the measure should pass over into another Session. He, however, saw no reason for that delay if the Government would agree to refer the Bill to a Select Committee. He trusted that at the proper time the House would be prepared to remove from the Bill the clause which abolished the appellate jurisdiction of the House of Lords; and that the Government would assist those on the Opposition side of the House who really wished to see a workable Bill passed by allowing it to go to a Select Committee.

Mr. WEST congratulated the House and the Government on the approval of the three main propositions of the Bill which had just been expressed by an hon. and learned Gentleman who occupied so high a position in the profession. With regard to patronage, he would remind the hon. and learned Gentleman that, while the Lord Chancellor appointed the Puisne Judges, the Prime Minister appointed all the Chiefs of the Common Law Courts, as also to any new judicial offices which might be created. He would also remind the hon. and learned Gentleman that the Appellate Jurisdiction of the House of Lords was expressly excluded from the consideration of the Judicature Commission, and that even in those circumstances the Commissioners stated in their Report that that jurisdiction greatly impaired the efficiency of the Court of Chancery during the Session of Parliament by withdrawing the Lord Chancellor from the Court. As to the other objections of the hon. and learned Gentleman that there was a great want of Equity power in the High Court of Justice, there was no doubt considerable force in that criticism. It had just been proposed that the House of Lords should remain supreme over the new Court of Appeal, thus creating another step before the suitor could get to the final Court. [Sir.

RICHARD BAGGALLAY observed, that he simply proposed to leave the House of Lords as it was.] But it was proposed that cases could be taken through the new Court of Appeal to the House of Lords. For his part, he believed that the details of the Bill would be best discussed in a Committee of the Whole House. With respect to the proposed establishment of Local Courts, he could speak from experience as to the working of such a system; as to which his hon. and learned Friend opposite (Mr. Matthews) and several others of his learned Friends appeared to be in a state of profound ignorance. The House was aware that, under a Bill passed in the year 1869, District Registries were established for the great and wealthy county of Lancaster, and they had been found to work so satisfactorily that the Lord Chancellor proposed to extend them by the present Bill. It had been said that there was no appeal from the District Registries; but a reference to the 61st clause of the Bill would show that was a mistake. How had those local tribunals worked during the three and a-half years of their existence? From a document published by the Law Society of Liverpool it appeared that in the years 1867-8-9 the number of causes entered for trial at the Assizes at Manchester, Lancaster, and Liverpool was 1,330, and of these only 140 were instituted in the Local Court, the remainder being instituted in the three Courts of Westminster. What occurred after the Act of 1869 came into operation? During the three years 1870-1-2 the number of cases entered was 1,333, of which 772 were instituted in the Local Court and 561 in the Courts at Westminster. This showed that the people of Lancashire approved of the Local Courts. The document to which he had referred further said, that the number of writs issued during the last three and a-half years in Lancashire was 6,706, whilst the number of appearances was only 2,436, so that the great majority of the cases were settled without anything being done beyond issuing the writ. Of 4,292 cases before the local registrars in these Courts, in only 44 cases had there been appeals, and in only 15 cases had the decisions been reversed or varied. The costs in reference to causes commenced in the local Courts were at least 25 per cent less than if the process had been

issued in London. With reference to the proposal to send the Bill to a Select Committee, he could not help thinking that the effect of such a step would be to defeat the measure, and, with much respect for his hon. and learned Friends, he was of opinion that no Select Committee could be formed from among them which would be of greater weight in the mind of the profession and of the country than that which had considered the provisions of the Bill in the House of Lords. He could not help feeling that the postponement of the subject for a single Session would be a matter for deep regret, not only on account of the postponement of this Bill, but because that postponement would have the effect of delaying a still more important reform, which ought to follow—namely, that of the local Courts, Courts which had much more direct influence on the comfort of the people at large than the Superior Courts.

MR. AMPHLETT observed that the absurdity of the present system was, that a man might succeed in one Court, and immediately after be defeated in a Court sitting next door; and this anomaly was dealt with successfully in the present Bill. They had heard a great deal about the fusion of Law and Equity; but in fact the system of Equity was really founded upon the common law; it was the common law corrected and improved by a succession of great Judges, at a time when those Judges assumed to themselves the power of legislation. The Bill left the principles administered in the Equity Courts undisturbed, and simply said that all other Courts in the kingdom must adopt the same principles, so that the principles of the Courts of Equity would become the general law of the country, administered in every Court. But the most important part of the Bill was that which provided for the re-organization of the Courts of Judicature, but the mode in which this was to be done had not met with that general approbation which other parts of the measure had met with. This was not surprising when they found that there was to be no admixture of the Common Law and Equity Judges; that the Equity Judges were to sit in one Division, and the Common Law Judges in another Division by themselves. It was not surprising also that Equity practitioners should look with some

anxiety when they found that Equity principles were to be administered by those who were not well cognizant of those principles. It was for this reason that the members of the Equity Courts had drawn up the memorial which had been published. The Attorney General admitted that there were defects in this portion of the Bill which would, it was to be hoped, be remedied by Amendments which would render the measure workable. Such Amendments would perfectly satisfy him (Mr. Amphlett) as to Courts of First Instance; but with regard to the Court of Appeal, out of 14 Judges there were only four Equity ones, and he thought that until the new system got into working order they should strengthen the Equity element. As to the House of Lords, he had a sentimental regret that that House was to be shorn of one of its most distinguished prerogatives, and though he felt bound to concur in the proposal of the Government on that point, his concurrence was in no way due to any belief that the House of Lords had proved themselves an inefficient tribunal. The time had, however, come when the Court of Final Appeal ought to sit *en permanence*, and the great objection to the House of Lords was that it sat only four days a-week, and for only a third of the year. That was not fair to suitors, and it was for this reason alone that he was unable to support the Amendment of the hon. and learned Member for Salford (Mr. Charley). With respect to the rest of the appellate provisions, he should have very much preferred a Final Court of Appeal of fewer numbers, and composed of the most distinguished individuals—such as the Lord Chancellor and five or six of the most eminent men who could be obtained. Such a tribunal would have been more likely to earn the same confidence which the profession had given to the House of Lords. The proposed Court would consist of 14 persons, sitting in three Divisions, and his great objection to the Bill was not only to so numerous a Court, but that it should be split into three Divisional Courts, each of which was to be final. These Courts were not to be divided into a Chancery, a Common Law, and a Criminal Law Division, because the object was to abolish the distinction between Equity and Common Law. The three Divisional Courts would thus be called

upon to decide the same class of questions. What was to be done if they differed, and how was the law to be settled if they came to opposite conclusions? There would not only be these three Courts, but the House of Lords would still sit in appeals from Ireland and Scotland, and the same class of cases would come from Ireland as those before the Divisional Courts. Which of these Courts was to be pre-eminent, and to lay down the rule of law that was to govern these Courts? This state of things would, he feared, lead to great practical inconvenience. It was a perfect novelty; for he did not believe that there existed in any country a system of jurisprudence in which the Courts sat in separate divisions, dealing with the same class of subjects, and each judgment to be final. In Paris the Court was divided into different Chambers; but they took a different class of business. He felt great diffidence in expressing an opinion which conflicted with that of the eminent individuals who prepared this Bill; but the novelty to which he had called attention had never been submitted to the requisite criticism and discussion. The Judicature Commission, it was true, had recommended a division of the Courts, but they had contemplated a final Court over them. No doubt they added that it might hereafter be found advisable to abolish the final Court of Appeal; but he would have preferred that there should be an appeal from these Divisional Courts to a final Court of Appeal. It was said that what was wanted was to put a stop to the present multiplicity of appeals; but if the decision of the Divisional Court were taken as final in all cases in which the Judges were unanimous, it would enormously reduce the number of appeals, and the number would not be greater than the Final Court of Appeal could dispose of. He relied upon the candour of the Attorney General and Solicitor General to give his views any weight which they might seem to deserve, and if they met with any general support he would take the sense of the House upon the question when the Bill got into Committee. It was better to defer any minute criticism until the House went into Committee; but, regarding the Bill as a whole, he should be sorry not to see it pass or to see it delayed. The question, however, remained whether the objections

he had now raised could be better discussed in the House or in a Select Committee. As far as his own experience went, the passing of the Bill would be expedited if it were now sent upstairs. The Juries Bill went through that process with great advantage, and would, he believed, have passed through Committee of the Whole House in a single night if it had not received a check by falling foul of the question of Local Taxation, where no one expected to meet with it. He should vote for the second reading; but he trusted that the points he had raised would be seriously considered.

MR. NORWOOD said, there was one unfortunate class of persons who had a deep interest in this question, though they were not lawyers, and he ventured to interrupt the flow of legal eloquence to say a few words on their behalf. They were the suitors, who suffered from the present extremely expensive, dilatory, and unsatisfactory arrangements of our legal procedure, upon which this Bill would effect a vast and important improvement. Sometimes commercial men had a difficulty in knowing which tribunal they ought to apply to in order to get their grievances redressed, and more frequently complete relief could not be obtained in a Court either of Law or Equity; but this Bill proposed that there should be only one portal through which suitors could enter, and afterwards they would find the proper division for the discussion and adjudication of their cases; he approved the Bill because it abolished all the arbitrary distinctions between Courts of Law and Equity; because it shortened and simplified the procedure; because it established one—and that an efficient—Court of Appeal; because it invested the Common Law Judges with equitable powers; because sittings were to be held during the vacation for hearing cases of immediate importance; and because the present system of Terms was to be abolished. As to the provision which enabled the Judges to send cases to referees, he, as a commercial man, thought it would prove a very beneficial one, as it would obviate the inconvenience of the present system, under which cases were frequently referred to arbitration after very considerable expense had been incurred. He also approved the clause which allowed a Judge

to decide cases with the assistance of two assessors, instead of trying them before a promiscuous jury. Many improvements might be effected which were not referred to in the Bill now under consideration. For example, local commercial Courts might be established; but as a layman, representing laymen, he heartily supported the measure, because it proceeded in a right direction, and he trusted the Law Officers of the Crown would not consent to its reference to a Select Committee, especially if that Committee were to be composed, as the hon. and learned Member for Dungarvan (Mr. Matthews) had suggested, solely of gentlemen belonging to the legal profession.

MR. SERJEANT SIMON said, the general opinion seemed to be that the Bill would pass the second reading, and, therefore his object in rising was rather to assist the Government by suggestion now, instead of taking them by surprise by Amendments in Committee. He was glad to hear the views of his hon. Friend the Member for Hull (Mr. Norwood). He was surprised to hear some of his hon. and learned Friends express a wish that appeals from the Courts of this country should still be preferred to the House of Lords. The Bill left untouched the constitution of the House of Lords as an Appellate Court in cases from Scotland and Ireland. He agreed to a great extent with the observation of the hon. and learned Member for Taunton (Mr. James) with regard to the Divisions into which it separated the Judges who were to compose the High Court of Judicature. He thought that by cutting up the jurisdiction into these various Divisions, instead of facilitating, they would delay and embarrass the administration of justice. His great objection to this part of the measure was that while it proposed to re-constitute our judicature by throwing all the Courts into one High Court and so combining the Equity and Common Law jurisdiction, it actually retained the distinction which it was its object to do away with. Whilst it proposed to confer Equity jurisdiction upon the Common Law Courts it still separated the Equity from the Common Law Division and preserved the Chancery Court in all its integrity, and almost all its exclusiveness. Instead of a suitor going into any one of the Divisions he pleased

to obtain Equity or Law, he would still go to the Court of Chancery when he wanted Equity and to a Common Law Court when he wanted Law. But if the character of the Divisions were changed, and the present staff of Equity Judges were to be distributed over the four Divisions, no additional staff would be required, while Law and Equity would so to speak, be amalgamated, and would be administered concurrently. So vital did he believe that point to be to the operative character of the Bill that he should deem it to be his duty to take the opinion of the House on it in Committee. He was glad to find there was an attempt in the Bill to remedy an admitted grievance, whereby many suitors were kept waiting for an undue period for a decision. The appointment of official referees would, to some extent, meet that point, he thought; and, so far from complaining on the subject, he was very sorry the Bill did not go much farther than it did by appointing permanent arbitration Judges. He found a provision in the Bill whereby the Judge, in cases where the points in dispute, technically termed the "issues," did not appear, might compel the parties to come to an issue. That was done at present, not by compulsory powers, but by the mere process of pleading. It did not appear from the Bill, however, whether the issues were to be settled before going to trial; and that ought to be cleared up, or he could see that great difficulties and inconvenience would arise in practice. He should support the second reading of the Bill, thinking it went a long way in the right direction, though not so far as he had hoped, and he saw no reason for referring it to a Select Committee.

MR. HINDE PALMER congratulated the Government on the general unanimity with which the measure had been received in that House. The consequence of having justice administered in two sets of Courts on opposite principles was that suitors did not know into which branch of judicature they ought to go, and thus great delay, cost, and injustice had been caused. With respect to the objection that had been urged by the hon. and learned Member for Mid-Surrey (Sir Richard Bagge) that this Bill could not be properly carried into effect until there was a codification of the law and the New Law Courts were built, if the House waited until those

schemes were carried out they might be content to give up legislation on the subject for the remainder of their lives. He thought that the mode in which justice would hereafter be administered by a concurrent administration in all branches would tend materially to advance the codification of the law of this country; and as to the necessity of Courts for the two appellate bodies, they could occupy the Lord Chancellor's and Lords Justices' Courts, which this Bill would render vacant. As to the remarks which had fallen from the hon. and learned Member for Dungarvan (Mr. Matthews) to the effect that the Bill was being hurried through the House with haste and treated with levity, he would remind him that it was framed on the lines which had been laid down in the Report of the Judicature Commission in 1869; that the subject had been dealt with by a Bill introduced by Lord Hatherley into the House of Lords in 1870; and that the imperfect constitution of that House as a Court of Appeal had been matter of general complaint for the last half century. It was true that none of the Royal Commissions or Committees which had sat to consider the question of the appellate jurisdiction had ever reported in favour of removing that jurisdiction from the House of Lords, and that their recommendations were directed to the improvement of the tribunal, and not to the abolition of its jurisdiction; but that was because an idea was prevalent that it was necessary to the dignity of the House of Lords that its ancient prestige as the highest Court of Appeal in the kingdom should be preserved. That idea was now dissipated, and the House of Lords itself had earned the gratitude of the country by being itself the first to pass a measure abolishing its appellate jurisdiction. Under these circumstances, it was rather too late for the hon. and learned Member for Salford (Mr. Charley) to bring forward his constitutional objections to the proposal to transfer the appellate jurisdiction to another Court. When the proposed Appellate Court should be divided in opinion amongst themselves, and with the Court below, it had been felt that there ought to be a higher Court to which application might be made. But how was this new Final Court of Appeal to be constituted? Frequent appeals gave a great advantage to the more wealthy



suitors. The hon. and learned Member for East Sussex (Mr. Gregory) had told the House that of 400 appeals decided in the Court of Chancery only 35 went to the House of Lords; and for so small a number he did not think it desirable to establish a new Court of Appeal. But besides the impossibility of finding a higher final Court of sufficient authority to review the decisions of so admirably constituted a tribunal, as the one proposed, the Bill provided that when questions of difficulty arose which could not be satisfactorily determined by one Division of the High Court the members of the other Divisions should be called in to assist, and thus the very cream of the legal authority of the country would be available to decide such questions; so that there would be no necessity for any further appeal. The Bill would effect one of the greatest steps that had ever been taken in this country in the way of legal reform, and if there were no other measure, it would be sufficient to stamp the character of the Session and reflect credit on this Parliament. There were, however, many faults of detail in the Bill as originally drawn. Thus, while it provided that the principles of equity should prevail in all the Courts of Law, it placed the Courts of Chancery, which were the real Courts of Equity, in the second rank and deprived the latter of their proper head, the Lord Chancellor. He thought it was a decided improvement of the Bill to retain the Lord Chancellor as President of the Equity Court. The Bill proposed that another Vice Chancellor should be added to the Chancery Division. He hoped that nothing would induce the Government to give up that proposition. Of all the false and foolish economies of which Government or Parliament could be guilty was that of starving and stinting the administration of justice. He regarded as one of the best parts of the Bill that clause which provided that an additional Judge in Chancery should be appointed. At the present moment the number of arrears in the Court of Chancery was perfectly frightful. It was said that those arrears were only temporary; but so far from their being temporary, they increased from year to year. According to the last Return, which related to the year 1871, the number of causes and other matters pending in Chancery at the end of the judicial year

was nearly 600, and for every year for the last five years was upwards of 500. This was a monstrous state of things in a wealthy civilized country like England. The Bill provided that an additional Judge in Chancery should be appointed when the Bill came into operation—that was to say, in November, 1874; but he thought that an additional Judge should be appointed as soon as the Bill passed. To start the new Court fairly, the field should be clear. As to the proposal to send the Bill to a Select Committee, he did not think the progress of the Bill would be expedited by adopting that course; because all those gentlemen who would be defeated in the divisions of the Select Committee would come before the House when the Select Committee reported to vindicate the propositions on which they had been defeated, and thus the passing of the Bill this Session might be endangered. The Bill approached the accomplishment of a great scheme; and the House of Lords assented to the abolition of their appellate jurisdiction. He thought that, as in the case of the Bankruptcy Bill which was passed a few years ago, all the clauses of the Bill could be discussed most satisfactorily in a Committee of the Whole House. If the Bill was discussed in a Committee of the Whole House the lay and the commercial, as well as the legal Members, could take part with the greatest advantage, and there was no necessity for referring the Bill to a Select Committee. He trusted that before the end of this Session he might have the satisfaction of knowing that he could go to his constituents and claim credit for having taken part in the passing of a Bill that would be for the advantage not only of the legal profession, but of suitors and the public at large.

Mr. HENLEY said, he felt diffidence in venturing to offer a few observations upon a question which might be said to exclusively belong to lawyers; but on a matter of such vast importance—affecting as it did the interests of the whole of the community—he had as great an interest as, if not greater than, the lawyers, in its ultimate working, for after all it was of as much consequence to those who were to be shorn that the work should be well done as it was to the shearers themselves. It was impossible to conceive a larger measure than this. It altered completely the administration of the law

of England, if even it did not alter the law itself; and his first impression on reading the Bill was that it altered and unsettled everything and settled nothing. That impression was strengthened by the speech of the Attorney General, who admitted that the hon. and learned Gentleman (Mr. Osborne Morgan) had pointed out evils for which future provision would have to be made. As to the appellate jurisdiction of the House of Lords, the first thing that struck one was that only four-fifths of the population of the United Kingdom were affected by the Bill, and that the remainder would continue to have their appeals heard by the tribunal which now heard them. The result of establishing different Courts of Appeal for the several parts of the United Kingdom would be, that different final decisions would be come to and dissatisfaction would arise. When the Home Rulers ascertained that the Law Officers of the Crown had condemned in the strongest terms the present Tribunal of Ultimate Appeal, but yet thought it was good enough for Ireland, who could complain if they used this circumstance as an argument to further their cause? They had for many years been free from any serious matter of treason. Now, what would be the effect in the proposed change of the law if treason again showed its head in the country? There were at present societies going about propagating Republican opinions, and if they ran foul of the law what might happen? They might have the House of Lords deciding on an ultimate appeal from Ireland, that certain acts were treasonable or not treasonable, while a different Court of Appeal might decide just the reverse, and if that did happen it would be a very inconvenient circumstance, for certainly the Home Rulers could not hope for a stronger argument. He deeply regretted that one common Court of Appeal was not framed for the United Kingdom so that we might not have diversities in decisions in respect to the same matter in different parts of the country. The Attorney General had made much of the anomalies in the present law of Appeal; but were the people discontented with it? He had heard no expressions of discontent, and surely the whole system should not be upset merely to correct theoretical defects. The Attorney General had admitted there would be some difficulty at

first in Common Lawyers undertaking cases in Equity and the reverse; but he hoped barristers of both sides of the Court would very soon become sufficiently "accomplished" to undertake cases on either side. The Attorney General contemplated some such process as that of putting a wild elephant between two tame ones to break him in, or, to change the figure, he hoped to create ambidexter members of the Bar who would be quite competent to strike out on both sides. Another point to which he objected was the large powers of reference taken under the Bill. It was a useful power to exercise in many cases; but there was such a disposition shown in the Bill to take everything from the Judges that could be done, as led him to fear that something like the old Masters in Chancery might grow up in the shape of the new official referees that were to be created under the Bill. These points had struck him on reading through the Bill, and he trusted they would not be thought lightly of. In previous years Bills had been concocted and brought into Parliament with as much authority in their favour as the present measure had. Those Bills now, however, had been adversely criticized by the Attorney General. This was an additional reason why that House should exercise as much care and pains as it could in this matter. He therefore supported the proposal to refer the Bill to a Select Committee. He believed there was no desire to impede the progress of the measure; but there was a general wish that, regarding the vast importance of the subject to the great body of the people, the Bill should be carefully examined, in order that, as far as possible, every imperfection should be removed from it.

MR. W. FOWLER agreed with a great deal that had been said as to the considerable difficulty in which they might be in respect to the Supreme Court of Appeal. It was a great anomaly to have one Court of Appeal for England and another for Ireland and Scotland, for it was possible that one law might be laid down with regard to real property in Ireland, and another in England by the two Appellate Courts. If that state of things were unavoidable he would submit to it with great reluctance. It was also objectionable that the Appeal Court should be divided into Divisional Courts, as that might tend to

keep up the old distinctions; and this was a point which would deserve to be handled with great care, whether the Bill went to a Select Committee or not. Subject to those exceptions, he thought that the Appellate portion of the measure was one of the best parts of it. The House of Lords themselves had given up their Appellate Jurisdiction; nor could it be said that it was done under Government pressure, for the Government were in a minority in the other House. The House of Lords as at present constituted was totally unfit to discharge the functions of a Court of Appeal, and with the greatest respect for the noble and learned Lord (Lord Chelmsford) he must say that it was highly anomalous that the only Common Law Judge in the House of Lords should reverse the decision of the Court of Exchequer Chamber. He gathered from the debate that the general feeling on both sides was that this might be made a very useful measure; and the only question to be decided after the Bill was read a second time was whether it should be referred to a Select Committee or not. When he read the Bill first he thought it ought to be referred to a Select Committee; but he had since been convinced that if that were done the safety of the Bill would be endangered for the Session, as he doubted whether the Report would be made before a month. Under these circumstances they must discuss the Bill in the House itself, and trust to the reticence and forbearance of Members for getting it through in reasonable time. The main object of the Bill was to establish such a Court that every man who went into it should be able to get complete justice; but to do that it was obvious that every Division of the Court must be efficiently manned. He was glad that the Attorney General had promised that a sufficient number of Equity Judges should be appointed; but one thing more was necessary—when vacancies occurred in the Common Law portion they should not be filled up by Common Law men, so as to get an intermixture of Equity Judges in those Courts. There was another point to which he wished to refer. He could not help thinking that the present state of the business of the Court of Chancery was eminently unsatisfactory. It was admitted that a vast amount of bankruptcy business was done by Regis-

trars, contrary to the intention of that House; and it was also admitted by the highest authority that to do that work properly the whole time of a Judge was required. It had been further intended by Parliament on the abolition of the Masters that a vast amount of business should be done by the Chief Clerk under the supervision of the Judge; but almost the whole of that important business was done by the Chief Clerk alone, because the Judge had no time to devote to it. In Chancery, under the Bill, the whole time of one Judge would be required to do the work in Chambers. Again, the Bill proposed to effect a great revolution in the mode of taking evidence in the Court of Chancery, by taking it *ex parte* instead of by affidavit. To do the work that was now done by the two Examiners and a large number of Special Examiners would occupy the time of two Judges. To carry out the reforms proposed more judicial power would be required than existed at the present moment. The Schedule appended to the Bill was by no means complete, and must be supplemented by the Judges in various points. Before the Bill passed they should know what sort of pleading they were to have. Was it to be Chancery pleading or pleading by issue as at Common Law? The language used in the Schedule was most obscure and difficult to understand. He had a great predilection for the plain Bill and answer method adopted in Chancery. His general view was that this Bill might be made a very good workable Bill; but he thought it would require large and important alterations, and he was afraid the House must make up its mind to add to the judicial power. He thought they would require to examine the measure with great care and minuteness to see what they were going to do, for there appeared to be a strong tendency on the face of the Bill to keep up the old divisions of Courts, and gradually to drift into the old system so that they might not, after all, get that fusion which they were promised and all desired to have. Serious as were his objections to it, he should vote for the second reading of the Bill; and as to whether it should be sent to a Select Committee, he had come to the conclusion, though not without some doubt or reluctance, that it would be best discussed in Committee of the Whole House.

MR. HOLKER held that on such an important matter as that, before them every man who pretended to be a lawyer ought to express an opinion upon the merits of this Bill. He confessed he came to its consideration with feelings of approval for most of the main objects which he believed the framers of it had in view, and meant to accomplish; but he could not help entertaining very considerable doubt whether the provisions of the Bill in its present state would achieve those objects or some of them. He did not think that the much-talked-of fusion of Law and Equity would ever be accomplished—and which, in his opinion, it was most desirable to accomplish—if the measure should be allowed to stand in its present shape. They had heard from the Attorney General that the Bill was founded upon the Report of the Judicature Commission of 1869, and the recommendations contained therein. In some of those recommendations he did not quite agree; and he believed, the Bill itself, in some particulars, departed from them. The Attorney General divided the principal objects which the framers of the Bill intended to accomplish into three—he should rather say into four—branches. The first was the simplification of our legal system by the abolition of the Superior Courts of Justice which now existed; and the erection in their stead of one High Court of Justice in the First Instance. The Bill did not deal at all with the inferior Courts. The second object of the Bill was the amalgamation or blending of the various systems of Law which were now carried on in the Superior Courts of the country, by what was popularly called the fusion of Law and Equity. The third object was the erection of a more satisfactory tribunal of Appeal than the tribunals of Appeal which now existed. The fourth was to construct a system of practice and procedure that would be applicable to the Court so erected under this Bill, and that such system should be plain, simple, intelligible, and untechnical. Now, if these or some of these objects were accomplished, he could not but think great good would be gained. There were several minor features in the Bill, some of which would be improvements—perhaps great improvements—in the Law; others would be anything but improvements. But as that part of the

Bill could better be discussed in Committee he would not say much respecting them. He should, however, allude to two or three topics. In respect to the question of costs the Bill provided for the transfer of that question from the Courts to official referees or arbitrators, by whatever name they might be called. There was also a provision in the Bill in respect to the establishment of district Registrars. These were very important questions, and such as demanded serious consideration. Now, it appeared to him very essential that the outside public should understand the provisions of this Bill, inasmuch as they were much more interested in it than the lawyers. He knew of no Bill that came before the House that Session more deserving of careful attention than the present one. Let them consider the position of the Superior Courts of this country at the present time. We had the Courts of Equity, not only with an equitable, but, in some degree, a Common Law jurisdiction; our Common Law Courts possessed, on the other hand, not only a Common Law, but, to some extent, an equitable jurisdiction, though it was not much exercised. Then we had the Admiralty Court, the Probate, or Matrimonial Causes Court, and the Ecclesiastical Courts. These last were not particularly touched by the Bill, and he would pass them by; for were he to venture within their precincts he feared their proceedings would be so mysterious that he should not find his way out with a remnant of intelligence left. With respect to the Common Law Courts, it sometimes happened that they acted upon a system which he thought was a disgrace to the jurisprudence of any country. Those Courts had pronounced, after the consideration of the very same facts, different decisions, one of them deciding the law to be one thing, and another, acting upon the same principle precisely, declaring the law to be quite another thing. Then, again, there was a different procedure in one set of Courts from that of other Courts—different practices and different modes of taking evidence. He thought, then, that any Bill which abolished all those various jurisdictions, and erected one great Court, possessing the jurisdictions and powers of all those existing Courts, was one which would meet the approval of any person really anxious

for a good, sound, sensible, and intelligible legal reform. But he could not help thinking, when they considered the many Divisions into which that one Court would be split up for the disposal of the various kinds of business contemplated by this Bill, that great object which it had in view would not be accomplished—he meant the fusion of Law and Equity. We should have, in the first instance, the High Court of Justice, split up into five divisions—namely, the Chancery Division, the Common Law Division, with the three Common Law Courts—the Admiralty Division, the Probate Division, and the Matrimonial Causes Division. Not only were the old names of the Courts to be retained, but the business would be so distributed that each of those Divisions would have that particular business which was peculiar to it, and the jurisdiction would be retained over all the cases in respect to which each of the old Courts had exclusive jurisdiction. It appeared, then to him, that practically we would have the same Courts as at present existed, possessing the same jurisdiction which they now enjoyed. And when they came to work this Bill they would find that things would go on pretty much the same as they had gone on before. If they wanted to amalgamate the present distinctions they ought to obliterate them altogether. If they wanted to fuse Law and Equity they must go about the matter differently than by the present Bill. The first thing the Legislature ought to do was to provide some means by which the Judges that were to preside on this tribunal should be equally conversant with the principles of Law and Equity, and with the various systems they would have ultimately to administer. In order to do that they must, so to speak, compel the Judges to investigate cases in which questions involving the principles of these various systems would arise. They must exercise and train them in the investigation of those systems, and until they were so trained they would not trouble themselves with systems which were novel to them, and which would impose considerable trouble and responsibility upon them. He did not for a moment intend to insinuate that the Judges were unwilling or incapable of engaging in the investigation of fresh systems and novel principles of jurisprudence, or that the Judges of the Com-

mon Law Courts were unable to fathom the depths of Equity, grapple with its principles, and deal out its remedies with the greatest possible satisfaction. Some members of the Equity Bar seemed to think that the principles of Equity were so abstruse, so recondite, and so mysterious, that it took a long time for the most brilliant intellect to master them, and they emitted the most pitiable cries at the idea of entrusting them to Common Law Judges. They regarded them pretty much as a lady did her pet dog, and they were afraid to let it out of the gates of Lincoln's Inn lest it should wander in the direction of Westminster, and some rude Common Law Judge should tread on its tail or give it a kick. He (Mr. Holker) believed that those fears were entirely unfounded. The principles of Equity were plain, simple, and intelligible, because founded upon the dictates of natural justice and sound common sense. But if even it were as abstruse, as refined, and shadowy as their Equity friends would have them believe, it would not be found too much for the very eminent men who presided over the Courts of Common Law. When Judges were obliged to investigate and administer a new system they had no difficulty in doing so. The system administered in the Probate and Matrimonial Court was new to Judges in that Court; and could it be said that Sir Gresswell Gresswell, Lord Penzance, and Sir James Hannen had not fully mastered its principles? The Equity Judges themselves had not always a Common Law Jurisdiction, but did they not soon overcome its difficulties and administer it with the greatest satisfaction? It constantly happened that Judges whose experience had been acquired solely as special pleaders or in civil cases went to the Assizes where they had to administer the criminal law, never, perhaps, having been engaged in a criminal case in their life, but did they fail in its administration on that account? In India, in the year 1862, they had amalgamated systems which before that time had been administered in separate Courts, and it was found that the Judges there had no difficulty in making themselves masters of the systems with which they had to deal. At the same time, while saying so much for the capacity of the Judges to master novel systems, he did not think they would do so unless

they were obliged. Judges were mortal—at least, he hoped so—and, like other mortals, they gave the preference to subjects which they understood, and looked down upon systems which they did not thoroughly comprehend. If he had his way in the matter, he would abolish the proposed distinction between the various Divisions of the Court. Have one High Court of First Instance, with certain Divisions—as many as were required—retaining the old names if they liked, and let the business be divided between each without reference to its nature. They would find in a short time that if the Judges were obliged to exercise themselves in the investigation of new systems and branches of the science of Jurisprudence, they would do it with the most complete satisfaction. To his mind it was not a good thing that the same Judge should always be engaged investigating the same kind of case. Fresh streams of thought should from time to time be poured upon the subject to give it energy, and force, and power. The suitors of the First Division of the Court would not be prejudiced if the Judges were one day engaged in investigating a breach of coal contract, the next a breach of a specific performance of contract for the sale of property, the next a matrimonial, and the next a case of collision at sea. In the administration of the law, as in many other things, there was utility, as well as charm, in variety. On the grounds which he had stated he feared that the Bill would fall short of accomplishing one of its great objects; but its defects on that point could easily be removed either in Select Committee or in Committee of the Whole House, and he hoped to see it made, what it was in other respects, a really good Bill. He would now make a few remarks upon the Appellate tribunal. He was quite aware of the evils which flowed from their present system of appeal. These double appeals were a serious evil, and were a fruitful cause of expense, delay, and uncertainty. When the defendant was a rich man the suitor was dragged slowly from Court to Court until his resources and patience were exhausted. It was therefore most desirable to have a good tribunal of Appeal. Whether the tribunal constituted by this Bill was a good one or not he could not pause to consider; but he could not avoid thinking that if three

Judges were to form a quorum, and were to decide cases, it would give little satisfaction to the suitor. He could not help expressing his regret that it was thought necessary to abolish the Appellate Jurisdiction of the House of Lords. He did not care what the House of Lords did or thought on the matter themselves. It was not a question for the House of Lords, but for the suitors of the country. He was not led astray by any view of the grandeur of the House of Lords or of its ancient prestige. He was too practical and utilitarian to treat the matter in that light, and the reason why he advocated in certain circumstances the retention of the Appellate Jurisdiction was the opinion which he had formed of its efficacy. They had been told by the Attorney and Solicitor General that the House of Lords was not a good tribunal, because there was only one Common Law Lord. [The SOLICITOR GENERAL dissented.] He was glad to hear that the Solicitor General was of opinion that the House of Lords was a good tribunal. [The SOLICITOR GENERAL: I never said it was a good one.] Then the hon. and learned Gentleman thought it a bad one. However that might be, his (Mr. Holker's) experience, as well as the testimony of a great many other persons, had led him to an opposite conclusion. He did not care what it formerly was, when there was only one Judge sitting in the other House. He took the House of Lords as it now was. Although there might be only one Common Law Judge in that House, there were Law Lords there who understood the Common Law and administered justice with the greatest possible satisfaction. He did not think that there was anybody who had experience in the administration of the Law by the House of Lords for some time past who was not of opinion that the way in which it had been administered by that august tribunal was, on the whole, very satisfactory, and had the unbounded confidence of the country. He did not say that it would not be easy to improve the Appellate tribunal of the House of Lords, for they might have more Law Lords; but because this improvement was required was it necessary that the House of Lords should be abolished? He did not advocate the retention of the House of Lords as a Court of immediate appeal from

the Courts to be established under this Bill, for that would impose more business upon them than they could get through; but would it not be necessary in some cases where vast amounts of property were involved, or in other cases of great importance where the Supreme Court thought it necessary to have an appeal to the House of Lords, that there should be such appeal? Suppose the Appeal Court under the Bill should consist of three Judges, who overruled the decision of other three Judges in the Court of First Instance, would it be unjust to allow the matter to go up to the House of Lords? Would it not be most unjust to refuse to allow the suitor to go there? Again, where the Court to be established under this Bill should give leave, ought there not to be an appeal to the House of Lords? If the House of Lords was to continue as a Court of Appeal in Irish and Scotch cases, why should not such appeal be allowed in other cases? The question of establishing local Registries was one that had a great interest for people in the country. It was, in fact, a subject of disagreement between attorneys in the country and attorneys in London; but the House, without regarding one party or the other, should look to the interest of suitors alone; and if it should be shown in Committee that local Registries would produce a considerable saving of expense, or prevent delay, perhaps it might be well to establish them. There was one argument against them which he would bring to the attention of the House. The establishment of these Registries would, he feared, have a very evil effect upon the Junior Bar. He believed that there was nothing so essential to a perfect and satisfactory administration of justice as a good, strong, learned, and independent Bar; and if by this Bill they established local Registries, or erected Local Courts, they would in effect localize the Junior Bar, for the members of it must follow their business. This would withdraw them from London, and it would tend to deteriorate and degrade the Bar to a very great extent, which in itself would be a very great disaster. The question had been raised whether the Bill should be sent to a Select Committee; and surely a matter which was so technical as this should be examined with care. He could not see why the Government should ob-

ject to a Select Committee, for there was no hurry. What evil would happen even if the Bill should not pass this Session? Surely hon. Members on the opposite benches were sufficiently bound with laurel that they could spare this Bill for a future Session, when they might be in want of a triumph. In his opinion, if it went to a Select Committee they would probably get a good useful measure of sound legal reform.

Mr. WATKIN WILLIAMS said, that during the whole conversation upon the second reading of the Bill, no speaker had avowed an open hostility to the measure or expressed his intention to oppose the second reading. Many, however, had severely criticized the vital principles of the Bill, and there was a scarcely concealed intention on the part of some to attempt to throw it over indefinitely by referring it to a Select Committee. He had no hesitation in saying that if this Bill were referred to a Select Committee it would be lost for the Session, and no one could foresee when, if ever, it could be brought forward again. What, he would ask, was the necessity for sending this Bill to a Select Committee? For nearly 20 years many of them had been anxiously looking forward to the day when a Government would be found willing and also courageous enough to bring forward the great measure which was now before them for a second reading. The opinions of the most enlightened men in the profession had long been in favour of this reform. Royal Commissioners had reported in its favour; and the present Bill came before them recommended by the high authority of the Lord Chancellor and of Lords Cairns and Hatherley. He quite agreed that mere authority, however high, was not a sufficient argument in favour of any Bill; nor could the House of Commons relieve itself of responsibility in any act of legislation, upon the plea that it had been recommended by high authority, and he was glad, therefore, that there had been so full criticism on the Bill on this occasion. When the evils which it was intended to remedy, and the difficulties which stood in the way, were considered and appreciated, he ventured to think that the breadth and simplicity of design of this measure would strongly recommend it to the approval of the House. If the Bill was not perfect it was because

the very nature and difficulties of the subject rendered it impossible to deal at once more completely and perfectly with the vast and deeply-rooted subjects which required to be dealt with. The evils to be dealt with were summed up in the dual jurisdiction and twofold litigation, with the mysterious and technical forms of pleading which had too long been a reproach to our judicial system. In no other civilized country was any system of jurisprudence thus artificially divided into what were technically known as Law and Equity, and with us it had been a process of slow and accidental growth. The principal difficulty in the way of reform was the vast machinery of Courts, officers, and of practitioners, which had grown up and adapted itself to the present systems, which it was impossible suddenly to sweep away, and almost as difficult to mould to the new order of things. The present measure was admirably designed to carry out practically the desired reform of fusing the various and sometimes conflicting doctrines and jurisdictions of our Courts, and of simplifying the procedure by gradually moulding the old machinery to the new work. The very objections which had been raised to the Bill illustrated and entirely confirmed this view; one class of objectors had told them that the Bill did absolutely nothing, that it left all the Courts exactly as they were before, each with its old name and old exclusive jurisdiction, and that if anyone went away and came back after five years he would still find the old familiar Courts of Queen's Bench, Common Pleas, and Exchequer, and the Court of Chancery, each exercising its own jurisdiction with the same distinctions as at present. Another class of objectors complained that the Bill altered and revolutionized everything, that it abolished ancient and time-honoured institutions, and swept away great landmarks of the Constitution. Both these objections were untrue, but each contained an important truth, in which lay the real value and perfection of the Bill. The Bill, in fact, provided for a safe and gradual change, and contemplated a transitional period, during which the old order of things would be quietly and almost imperceptibly superseded by the new; and he ventured to say that although at first there would be scarcely any external or visible change, yet if the Judges

loyally carried out the provisions of the Bill, many years could not pass without a more sweeping and comprehensive reform being accomplished than had ever resulted before from one single act of legislation. Great and sweeping and novel as were the changes contemplated, this important precaution was taken, that if any practical difficulty should present itself in the way of any Court exercising the novel jurisdiction conferred upon it, the old lines were not abandoned, and the matter or cause giving rise to the difficulty could be at once remitted to that Court which, from past experience, would be most familiar with it. This was exactly carrying out the recommendations of the Judicature Commissioners, who, in their Report of March, 1869, gave it as their opinion that—

"The first step towards meeting and surmounting the evils complained of would be the consolidation of all the Superior Courts of Law and Equity with the Probate, Divorce, and Admiralty into one Court, to be called 'Her Majesty's Supreme Court,' in which shall be vested all the jurisdiction which is now exercisable by each and all the Courts so consolidated. This consolidation would at once put an end to all conflicts of jurisdiction. No suitor could be defeated because he commenced his suit in the wrong Court, and sending the suitor from Equity to Law or from Law to Equity, to begin his suit over again in order to obtain redress, will be no longer possible. The Supreme Court thus constituted would, of course, be divided into as many Chambers or Divisions as the nature and extent or the convenient despatch of business might require. All suits, however, should be instituted in the Supreme Court, and not in any particular Chamber or Division of it, and each Chamber or Division should possess all the jurisdiction of the Supreme Court with respect to the subject-matter of the suit, and with respect to every defence which may be made thereto, whether on legal or equitable grounds, and should be enabled to grant such relief or to apply such remedies . . . as all the present Courts combined have now jurisdiction to administer. We consider it expedient, with a view to facilitate the transition from the old to the new system, and to make the proposed change at first as little inconvenient as possible, that the Courts of Chancery, Queen's Bench, &c., should for the present retain their distinctive titles, and should constitute so many Chambers or Divisions of the Supreme Court."

The Commissioners also recommended for the same reason that a classification of the business should, in the first instance, be made on the principle of assigning as nearly as practicable to those various Chambers such suits as would now be commenced in the respective Courts as at present constituted, with power to the



Supreme Court to vary this classification as from time to time might be deemed expedient. An objection had been made to the Bill by his hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan), who thought that the equitable jurisdiction conferred upon the new Supreme Court could not be efficiently exercised by the Common Law Judges, who would form an overwhelming majority of the Supreme Court, and he contended that it would be necessary to add new Judges so as to provide at least one Equity lawyer for each Division or Chamber of the Supreme Court. He could not concur in this view; but, on the contrary, thought that the number of the Judges was already larger than was necessary or desirable, and that with a better distribution of the business a fewer number could dispose of the whole work. As a Common lawyer himself, he would say if there was anything in the objection, which he did not believe there was, let it be met by filling the next few vacancies from the Equity Bar. There was a popular notion that there was something essentially and radically different between the doctrines of Law and Equity, and that those who were trained in the learning and practice of the Common Law would not be competent to deal with the sublime principles which regulated the decisions of the Court of Chancery. This was a gross fallacy; and one which could mislead those only who were ignorant of our Common Law and of our Constitutional history. The great leading principles both of Law and of Equity were the same; the law which governed the construction of contracts and wills, the interpretation of statutes, and the definition of duties between man and man, was the same in both—in short, there was no radical or fundamental distinction between the two great branches of jurisprudence known as Law and Equity. The distinction was mainly in the manner and kind of remedy which the different Courts had the power to apply, and which of necessity drew to each Court the class of case to which that remedy was most suitable. He felt confident that any man of intelligence and common sense and trained legal intellect would be equally competent to deal with any branch of jurisprudence, and, if he possessed the judicial faculty, would make a good Judge, otherwise he would not,

*Mr. Watkin Williams*

whatever amount of technical knowledge and dexterity he might have acquired in some particular branch of jurisprudence. Experience had proved that this was so, as in the familiar cases of Lord Kenyon and Lord Cranworth, Lord Lyndhurst, Sir William Grant, Sir Cresswell Cresswell, and Lord Penzance. The creation of the new Appellate Court was of the very essence of the Bill; without it the Bill must fail. He did not say that the decisions of the House of Lords had failed to give satisfaction, but the practical defect in the House of Lords as a Court of Appeal was the great delay, the enormous cost, and the uncertainty of its sittings, and the limitation of its sittings to the Session of Parliament. Now, the success of the new scheme was absolutely dependent upon having a speedy and economical appeal to a tribunal constantly at hand and continuously sitting. This Bill provided an Appellate Court of 14 Judges at the least, of the highest judicial experience and ability, who could sit in Divisions of not less than three Judges with power to have any appeal re-heard before the entire body if thought desirable. The inconvenient and unmanageable process of appealing by Bill of Exceptions or Special Case was abolished, and all appeals before this Court were to be by way of re-hearing and upon notice of motion, the importance of which in simplicity, expedition, and completeness would be understood by every man having practical acquaintance with the subject. His hon. and learned Friend the Member for Dungarven (Mr. Matthews), having begun by approving of the Bill, and stating his intention to support the second reading, proceeded to attack the Bill in detail, and in a speech of great spirit and ability, which naturally produced a great effect upon the House, to demonstrate the uselessness or mischievous character of every important provision in the Bill. As he listened to the speech he scarcely knew whether he heard it with greater regret or astonishment. The learned Gentleman had raised a momentary laugh against his hon. and learned Friends the Attorney General and Solicitor General, whom he accused of not having sufficiently studied the Bill. But there was one fatal defect in the learned Gentleman's speech—namely, that there was not one of the telling arguments which he had addressed to the

House which was founded on fact. The most charitable view he could take of his speech was, that he had never read the Bill himself. He would give one example of his inaccuracy. He had said that—

“The proposed system of official referees he looked upon with the greatest dread and dislike. That system came in effect to this—that they were creating a subordinate order of Judges. . . . who were to be judges of both law and fact, and from whom there would be no appeal, and over whom the Courts would have no manner of control.”—[3 *Hansard*, ccxvi. 679.]

It was impossible for any man who had read the Bill to have made that statement. Clauses 53, 45, and 55 made the referees officers of the Court, gave the Court complete control over them, and enacted that the Court might adopt their reports in whole or in part, or might set them aside or remit them back for further consideration; thus giving the Court, in fact, the most absolute and complete control over the referees. What, therefore, became of the hon. Gentleman's statements? The truth was, that next to the creation of the new Appeal Court, the institution of the trial by referees was the most valuable part of the Bill—a vast number of causes were unfit for any other mode of trial, and at present the parties were in such cases always ultimately driven to references after an enormous waste of time and money. Under this Bill the Courts had power, in the first instance, to determine the proper and suitable mode of trial. He ventured to express his opinion that the Bill was an admirable one, and fully carried out the recommendations of the Royal Commission; and he sincerely trusted that the House would not listen to the suggestions of sending it to a Select Committee, but would proceed without any unnecessary delay to pass into law one of the greatest measures that had ever been presented to Parliament, and, in spite of prejudice and in opposition to interest, would at last remove from our jurisprudence that which had too long been its reproach and disgrace, and would give us a grand and uniform system worthy of a great and civilized nation.

DR. BALL said, the House had been engaged for two evenings in discussing not only the second reading and the provisions of the Bill, but also three propositions—two of which had been actually brought forward, and a third, which it

was intended to bring forward after the question as to the second reading had been determined. There was, he apprehended, a concurrence of opinion on both sides of the House that the second reading of the Bill should be agreed to, and that it should afterwards receive the careful and attentive consideration of the House, with a view to any alterations which might appear to be real improvements. As to the Amendment of the hon. and learned Member for Salford (Mr. Charley), he would suggest that it should not be pressed to a division, because on the second reading of the Bill it did not come before the House with that weight to which it might otherwise be entitled. It appeared to be antagonistic to the Bill—partly by reason of its inconsistency with the Bill, and partly because it interposed a question of, at least, as great magnitude as the whole Bill. If a division were to be taken at all on this point, it ought to be taken, not on the second reading, but on the clause which effected the alteration complained of in the Resolution. And here he must point out, as an additional reason for not pressing this Resolution at the present time, that the question of the Supreme Appeal to the House of Peers was wholly independent of every part of the Bill except one clause and a few words at the end of another. If, therefore, with the exception of that clause and part of a clause, the Bill became law, the Appellate jurisdiction of the House of Lords might remain in perfect consistency and harmony with it. As to the second Amendment to the Bill—that of the hon. and learned Member for Denbighshire (Mr. Osborne Morgan)—he hoped that that would not be pressed either, because it was entirely inconsistent with the whole principle, scope, intention, purport, and declaration of the Bill, for it proposed to proclaim that the man who practised in Equity, and the man who practised in Common Law, were separated by a line of demarcation which it was impossible to pass. The third Amendment, however—that for referring the Bill to a Select Committee—appeared to him to be well deserving of grave consideration. But it would, perhaps, be more convenient to show first in what respect the proposition would be useful, and in what respect it would be mischievous. No doubt the best course would be that which to some

extent had been followed already—namely, that hon. and learned Members of eminence in their profession should point out in what respect the Bill deserved decided approbation, in what respect its clauses were susceptible of amendment, and in what respect its clauses were to be decidedly objected to. He would deal first with that which was the foundation of the whole system of administration of the law. He referred to the Courts of First Instance. A vast deal more had been said as to the effect of the Bill than was justified by its provisions in regard to those Courts. The Bill, undoubtedly, created one High Court for the administration of the law; but immediately afterwards that High Court was re-subdivided into five separate Divisions, and, to his mind, it was a matter of perfect indifference whether those Divisions were called by the names of Courts or by the names of Divisions. He did not quarrel with that subdivision. On the contrary, in all that related to that part of the subject his opinions went entirely with those expressed by the two Law Officers of the Crown in that House. There was, however, a radical and essential distinction in the nature of things between what was termed Equity and Law; but there were an enormous mass of subjects which were common to both. All deeds, documents, wills, and Acts of Parliament were subject to the same rules of construction both in Law and in Equity. Again, many of the relations between human beings were dealt with both by Law and Equity in exactly the same way. But in our complicated and artificial society there was an inevitable necessity for making a distinction in another class of cases. Wherever there was a trust under a will in which the executor might be taken to represent the external action of the law, and the legatees to represent the internal ownerships and obligations which existed among themselves, or wherever there was a trading corporation, which was an abstract entity, in relation to its property, to the external world, but all the members of which, between themselves, had relative rights and connections, it was impossible to say that such a distinction did not come into operation, and this Bill had nowhere infringed on the distinction wherever it really existed. But the Bill gave the power of adminis-

tering the two systems in the same Courts. At present, wherever a right which impeded the external relation existed it would be administered in the same Court; but the nature of things made it obligatory for convenience that there should be a Court like the Court of Chancery, as preserved by this Bill, for administering estates, for enforcing contracts for specific performance, and for other things, and convenience gained by having separate Courts. No doubt, it was intended that these Courts should continue distinct, and the Bill also looked to some extent to the practitioners in them. For example, the same Court was to have the Admiralty jurisdiction, the Divorce jurisdiction, and the Testamentary jurisdiction. It was difficult to understand what connection there could be between frail women and frail ships to bring them before the same tribunal; but the reason for the arrangement was that what was called the Civilian Bar had long practised in these subjects, and the civilians would be found to be intimately acquainted with them. He saw no reason to dissent from the provisions of the Bill with respect to these Courts. Some rules were laid down in the Bill to guide the action of the Courts, and it had been provided that where the doctrines of Law and Equity came in conflict the Equity doctrine should prevail. With that provision he also agreed, but the next was one which, he thought, ought not to be in the Bill. It was one which did not affect the administration of the law or the form of the Courts; but it was absolute and actual law itself. It was contained in the 22nd clause, and provided that 10 changes should be made in the law of the land. He was in favour of the proposed changes; but he thought they ought to be contained in a separate Act. The first of the provisions was a very serious one. It provided that if a person died with property insufficient to pay his debts, the property should be administered according to the principles of the Law of Bankruptcy. He did not know what might be the Law of Bankruptcy in England, but in Ireland a fiat in bankruptcy put all claims upon the same level; and if it were the same here, then those who had a priority of claim would be placed on the same footing as the other creditors. That might be very well for the

*Dr. Ball*

future; but the Bill was retrospective, and deprived those who had such priority of claim or that which was their present right. Again, this was a provision to be administered by the Supreme Court in England, so that if a man went over to Ireland and died there, his estate would be administered according to one law in England and according to another law in Ireland. This Bill said the property should be administered according to the law of England. Another of these provisions—the 9th—provided that—

“In any cause or proceeding for damages arising out of a collision between two ships, if both ships shall be found to have been in fault the rules hitherto in force in the Courts of Common Law, so far as they have been at variance with the rules in force in the High Court of Admiralty, shall prevail.”

Now the jurisdiction of the Court of Admiralty did not apply to domicile, but came into action whenever the ship was attached. Hence it would depend upon whether a vessel, after having been in collision at the farthest part of the world, came into Cork or Liverpool, whether she should be assessed in damages according to the old rule or according to the new. Hitherto thought that instead of limiting the administration of these provisions to this new Supreme Court in England, they ought to be embodied in a specific Bill, and made a positive enactment. He came to another matter relating to the Primary Courts. That Bill had been several times called a skeleton Bill. Immense powers were given by it to the Judges to make rules. They were to make rules that would regulate the circuits, which were now regulated by statute. He thought the measure bore a great many more marks of an Equity hand than of a Common Law hand, in everything except the rules at the end. The proposed improvements of the Law appeared generally to emanate from an Equity mind. They were told that the Lord Chancellor had been his own draftsman; but he took it there had been a second hand employed on the Common Law part of the Bill, and that hand was not equal to the hand that had been engaged on the Equity portion. At every turn it was assumed in the measure that the Judges might alter the rules which Parliament passed. The Judges were to have a meeting every year, with the Lord Chancellor at their

head, to adjudicate upon and make those rules. He was anxious at all times to obtain for the Judges all the respect that was due to their office; still he was not for placing in their hands more than a limited power. Their power should, he thought, be confined to procedure. He begged to ask the Law Officers of the Crown whether the Judges would not have power under that Bill to abolish the Western Circuit. Many *minutiae* connected with the Bill it was impossible to discuss and decide satisfactorily in that House; and that was a reason for referring the measure to a Select Committee. The patronage involved in a Bill of that kind was a matter of very considerable importance. According to his understanding of the matter, there was to be a very considerable shifting of patronage. In England the Lord Chancellor had, not by a Statute or a Law, but by a sort of comity on the part of successive Prime Ministers, the right to nominate the Puisne Judges in the Common Law Courts; but he had no right to nominate the chiefs of the Common Law Courts, the Vice Chancellors, or the Judges of the Court of Probate and the Court of Admiralty. He would ask for an explanation of a passage in the 5th clause, which appeared to shift from the Prime Minister to whoever was Lord Chancellor a very considerable amount of patronage. When the Attorney General spoke of the appointment of Equity lawyers to the different Courts, the person to whom he alluded as having the right of nomination was the Lord Chancellor for the time being. The clause said that—

“Whenever the office of a Judge of the said High Court shall become vacant, a new Judge may be appointed thereto by Her Majesty, by Letters Patent. All persons to be hereafter appointed to fill the places of the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and their successors respectively, shall continue to be appointed to the same respective offices, with the same precedence.”

And it went on to declare that—

“Every Judge who shall be appointed to fill the place of any other Judge of the said High Court of Justice, shall be styled in his appointment ‘Judge of Her Majesty’s High Court of Justice,’ and shall be appointed in the same manner in which the Puisne Justices and Junior Barons of the Superior Courts of Common Law have been heretofore appointed.”

He presumed the intention of the clause

was that the Probate, Admiralty, and new Judges should be appointed by the Lord Chancellor; and many members of the English Bar wished him to have the patronage rather than the Prime Minister, but the feeling of the profession on this point ought to be ascertained by a Select Committee. Every chief ought to have the appointment of the referees of his particular Court; but the amount of patronage that was accumulated in the hands of one individual would not be endured in Ireland. There was, however, this fairness in the matter—that the Bill proposing to give this gigantic amount of patronage to one man would not come into operation until the 2nd of November, 1874, being after the time that the Dissolution would have settled which Government would have the patronage. Cardinal questions, such as the Appellate Jurisdiction and the five Divisions of the Court, should be excluded from the consideration of the Select Committee, and it should confine itself to the *minutiae* specially interesting to lawyers as to procedure and the power of making rules. He believed that with the Attorney General in the chair, and his power of soothing the most obstinate, these questions would be settled with slight mutual concessions, and would not be re-opened in the House; whereas if there was no Select Committee they would be discussed at a length disproportionate to their importance, as was the case with the Ballot Bill and the Juries Bill. As to the Schedule, he could not believe it was drawn by Lord Selborne, and the Government must have discovered that it was an error, and would provoke controversy on the most trifling matters. The length of the discussion at this stage about registries, referees, and small matters of procedure and pleading, foreshadowed the length at which they would be discussed in Committee of the Whole House, and a Select Committee would really expedite the matter. As to the referees, he thought the Chief Judge of each Court should appoint the referees connected with his Court, and that there should be provisions as to salaries and qualifications. Up to this point they had, like true statesmen, reformed and amended, nowhere destroyed. He now came to where they had destroyed and where they had created, and with regard both to the destruction

and creation he was equally opposed to the present measure. The question was not whether there were defects in the Appellate Jurisdiction of the House of Lords which imperatively demanded interference; but whether it was not their true policy to retain that jurisdiction and amend and improve it. If they adopted another course, history might show that they had been adequate to destruction, but unequal to construction. Not any of the observations which had been made by hon. Members had disposed of the propositions made by eminent Law Lords in former times for making the House of Lords an efficient legal tribunal. The way in which that part of the case had been presented was very singular. His hon. and learned Friend had thrown the authority of the House of Lords itself, and how could he maintain what the House of Lords had cast away? He would pay every respect to the decision of the House of Lords if reasons had been given sufficient to explain the reasons for the surrender of its jurisdiction—namely, that the House of Lords would not place its privileges in the way of the construction of a perfect system. Now the jurisdiction of the House of Lords was no privilege. It was a trust—a duty cast upon it by the Constitution, and the will of the people of England through that Constitution. That House had no right to abandon a sacred trust and a duty. If it was necessary to have a Supreme Court it ought to consist of those who had been accustomed to the discharge of the duty of such a Court. The real question was—and it was one which the House must determine—Was it for the good of the community at large that this paramount authority should be maintained? The jurisdiction of the House of Lords ought to be looked at in two points of view—one political, the other forensic. First, politically, he assumed that the Lords were to remain a second Chamber and an hereditary Peerage. They had had jurisdiction in Common Law cases from time immemorial, and as regarded Equity from the time of Charles II., which was not very long after Equity began. To take away that jurisdiction of the House of Peers would diminish their weight and authority in other and indirect matters. Let the House consider how the great men of the law had been connected with our history, and what influence

they had exercised. What brought them there? If there had been no Common Law jurisdiction they would not have been there. What brought them there? The necessity of Governments to strengthen the administration of the Law in that House by the introduction of the ablest lawyers. Then, again, it brought to that House persons of peculiar talent so far as regarded the administration of the law. If the inducement to place lawyers in that House was taken away—which would be the effect of this Bill—it would weaken the strength and power of that body. Looking at the matter forensically, they must arrive at the same conclusion. There was great difficulty in getting legal men to take Peerages. Almost the sole reason was that it might lead to the Chancellorship. The effect of the Bill would be to diminish the number of lawyers amongst the Peers. The Bar had derived great lustre from its connection with the House of Peers. Every profession was estimated by the head of it, and, as Sydney Smith said, it would be a sad day when they began levelling down. This Bill would tend to dissociate its connection with the highest and greatest body in the country. It might be said that this speculation would not be fulfilled. He would give an instance in point. When the Whigs quarrelled with Lord Brougham, and Lord Melbourne came into office, his Lordship determined to have no Chancellor Peer in the House of Lords, and put the Great Seal in commission. The arrangement went on for a while, but did not last long, and Lord Melbourne had to appoint Lord Cottenham a Peer. The Ministry was thus forced into the creation of a Law Peer. The Minister would consider simply what would suit his purpose, and not the elevation of the Bar. The Law Lords had generally been chosen for their great eminence in the law. The law had been, was, and would be benefited by keeping up this connection. He held in his hand a most able and valuable work of Lord St. Leonard's upon the law of real property, which testified to the great philosophical as well as legal powers of that learned Lord. The decisions of the House of Lords in the Bridgewater and Banbury Peerage, and other important cases, showed that that House was no mere registry of the decrees of the Courts below; that in its decisions it had gone

outside mere technicalities of law; and that its decisions, whenever they had gone against technical law, had been founded upon an expansive and broad public policy. He thought it was a tremendous advantage to take the men of any profession out of the immediate atmosphere of that profession when they were required to pronounce a sound and impartial judgment upon a matter affecting the public interests. In referring to the manner in which the Bill dealt with this appellate jurisdiction, he confessed he was astonished at the arguments put forward both by the Attorney and Solicitor Generals. The former hon. and learned Gentleman observed that as the House of Lords sat only half the year, he saw no reason why they should not sit the whole year. And, again, he said that a Common Law case referred to the House of Lords was generally practically decided by a Common Law Lord. And yet the principle of the Bill he proposed was, that a good, intellectual, and well-trained mind was as competent to decide a question of Equity as any lawyer. He (Dr. Ball) totally differed from his statement and his reasoning. He maintained that the decision of the House of Lords was the decision of every Judge in that great Assembly. But the Solicitor General said that there were two or three octogenarians amongst the few Law Lords of that House—and he made that statement in the face of the appeals that were coming from Ireland in the several actions which had been taken against the noble Marquess the Chief Secretary for Ireland and Mr. Burke, the Under Secretary, and other persons connected with the Irish Government, in consequence of the proceedings that had taken place at the Phoenix Park meeting, in every one of which actions a verdict had been returned against the Government. The chief point to be decided, touched, in his opinion, some very serious questions of Government—namely, whether a Minister of the Crown was answerable for the acts which took place in the Park on that particular day, when by his orders the police interfered to suppress such meeting. At such a time as that the Solicitor General took care to prepare the people of Ireland for the treatment those appeals were likely to receive from what he called three or four octogenarian Law Lords. Suppose they should die, and the tribunal be re-

duced to the Lord Chancellor—a member of the same Cabinet as one of the defendants—and the Irish Lord Chancellor, there would be presented the spectacle of a Ministry judging its own appeal; for, according to the Solicitor General, there was no assurance that any new Law Lords would be appointed. That observation from the Solicitor General appeared to him (Dr. Ball) very like a guarantee that such Peers would not be continued to form that tribunal upon which the Minister had written its doom. The Irish would wish to have the old tribunal preserved; but they had no idea of being consigned to the sort of tribunal which was proposed. The Irish Judges and the Irish Bar had passed some resolutions on the subject, the Judges declaring that it was of essential importance that there should be a right of Final Appeal from the Courts in Ireland to the same tribunal which decided English appeals, and that in the event of a new Court of Appeal being substituted for the House of Lords, a suitable number of Irish Judges, both of Law and Equity, should be associated with the English members of the Appellate tribunal; while the Bar declared that in order to preserve uniformity of decision in the Courts of Law and Equity in England and Ireland, it was essential that there should be the same Final Court of Appeal for both countries; and that as the amount of property involved in many of the Irish cases did not admit of an appeal to England, it was desirable that the Local Courts of Appeal should be preserved. The other day property in Ireland of the value of £50,000 a-year was bequeathed on the same sheet of paper which bequeathed English property also. Were the Irish to be told that the succession to that property might be determined one way in England and another way in Ireland? Was that an enlightened jurisprudence under which one man might be the owner of one property and another of the other under the same will? It was idle to talk of this portion of the Bill as even resembling statesmanship. There was something worse even than that. The great criminal cases which had settled everything came from Ireland. While Ireland had produced the case of "*The Queen v. O'Connell*," "*The Queen v. Mills*," and "*The Queen v. Gray*," there had been a great scarcity of

*Dr. Ball*

criminal cases from England. If these cases did come the Legislature ought to guarantee that they should be decided by the ablest tribunal that could be procured. If a second O'Connell prosecution should occur, there was not a particle of the language used by the Attorney General that would not recoil upon the English Government at the first moment. He hoped that Scotland, which was equally interested with Ireland, would not slumber on this question. The question also arose what was to be done with the Privy Council? Why had it weight in Ecclesiastical causes? Not because it contained Bishops and men of eminence; but because it contained men who had an adequate knowledge of the law. Under the Bill the Judicial Committee would not have any jurisdiction in English cases except on Ecclesiastical questions. There might be a Minister of ritualistic propensities, and to whom the ambiguity of language constituted its chiefest charm, who might put a Judge on this tribunal with sole reference to its Ecclesiastical decisions. He objected entirely to so great a jurisdiction being left in a tribunal which would be supplied with the sole object of meeting it, and the sole consideration of which would be theology and not law. The only true principle was that the whole Appellate Jurisdiction should be drawn to one great head and fountain which should be surrounded by every accessory of grandeur, hereditary greatness, and tradition that could give it lustre. There was no hurry in legislating on this question, and if the Government contemplated a measure he would recommend them to leave the House of Lords paramount until they were in a position to deal with the Appellate tribunal for the three countries together. The Attorney General stated that the House of Lords, in the O'Connell case, abandoned their jurisdiction at the solicitation of the Duke of Wellington. The Motion was, however, made by Lord Wharncliffe. As to the Appeal Court, he objected to the number of its members. There were to be five *ex officio* Peers, and nine ordinary members, and there would be power to call in any ex-Chancellors of England or Ireland, or any high judicial functionary from Scotland. Satisfaction would not be given if the decisions of such a man as the Lord Chief



Justice of England were to be overruled by any three of the Judges taken from this Court. Under the Bill decisions from the Court of Chancery might be reversed by any three Common Law Judges. He contended that this was a wrong principle. One great advantage of the Appellate Jurisdiction of the House of Lords was that the members of that tribunal were separated from the members of the tribunal from which they heard appeals. Under this Bill they might have three or five Appellate Courts sitting at once, and they might possibly be adjudicating in a directly antagonistic way to each other. How could there be consistency and firmness in the Appellate Court unless the same men were sitting with unity of purpose, feeling, and decision from day to day? He objected also to calling the whole body of the Judges together for the same purpose, for, as an Irish Judge had observed recently, the number of the Judges destroyed the sense of responsibility. Where there were numbers also they were sure to be divided into parties. He would much sooner have five of the greatest men they could get having no other business but that of hearing appeals; not sitting beside men whose decision they might be called on to reverse, but sitting at an altitude from which they could look down upon all from whom appeals came. The ordinary Appellate Judges were to have £6,000 a-year, whilst if an ex-Lord Chancellor, like Lord Cairns, should become attached to the Court he would have only his pension. Since they had had paid Judges at the Privy Council had they got a single unpaid man to sit there? The very same thing would occur again. The Bill seemed to be constructed so as to shut out every appellate Peer except the Lord Chancellor. When they should have some great criminal case come up it would be a very serious thing that they should have the Appellate Court presided over by the Lord Chancellor, a member of the Cabinet which had, perhaps, advised the prosecution. Such a case there was no provision for, and, indeed, it might have to be decided by Equity Judges. It was true that the Judges might make arrangements among themselves; but he contended that the arrangements for an appeal in such a case should not be left to the Judges to make as they should think fit, but that

they should be regulated according to the will and decision of Parliament.

THE ATTORNEY GENERAL, in reply, said, that before they went to a division it would be right that he should say a few words in reference to the debate that had taken place, and mention also those parts of the Bill in which the Government would propose alterations in Committee. In spite of the speech of the right hon. and learned Gentleman (Dr. Ball) he would endeavour to show to the House that the general principles of the Bill were such as they might fitly sanction. As to the Appellate jurisdiction of the House of Lords, to which nine-tenths of the speech of the right hon. and learned Gentleman had been directed, that was, he apprehended, settled, or, if not, he trusted it would in the division which was about to take place be settled for the purpose of the Bill. If it had been doubtful what the Government would do as to the Motion of the hon. and learned Member for Salford (Mr. Charley), they could no longer hesitate after the speech which they had just heard. That speech was in a spirit of such hostility to the Bill that he asked the House at once to settle the great question that had been raised. Whatever might be the opinions of those hon. Members who had spoken he believed that the public opinion for years had been that the Appellate jurisdiction of the House of Lords, so far as England was concerned, could not be permanently maintained. It had become generally acknowledged that it only needed a disposition for change on the part of the House of Lords and a vigorous Lord Chancellor to propose it to put an end to the existing state of things. The right hon. and learned Gentleman (Dr. Ball) had declared that the people and Judges of Ireland were in favour of the present system; it was precisely for that reason that Ireland had been excepted from the operation of the Bill. But if the people of England desired that the Appellate jurisdiction of the House of Lords should be abolished as far as English cases were concerned, why should it be retained because the Irish people wished to retain it for themselves? They had heard of justice to Ireland; but he apprehended that this was a case of justice to England. The right hon. and learned Gentleman expressed his perfect satisfaction with the decisions of the House



of Lords. He (the Attorney General) was not equally satisfied. The right hon. and learned Gentleman thought the Brownlow decision, the decision in the case of Lady Wilde, and the decision in the Crimean case satisfactory. But in that he differed altogether from the right hon. and learned Gentleman; neither did he concur in the opinion that the Lords who formed the Court of Appeal in the House of Lords were the greatest statesmen and the wisest men, and perfectly fitted to reverse the decisions of the great Judges of England. There was another matter with which he wished to deal. The hon. and learned Gentleman the Member for Dungarvan (Mr. Matthews) charged him with not reading the Report of the Committee that sat upon the subject. But he was mistaken. The House of Lords did not recommend Peerages for life, but only that the members of the Court of Appeal should be Peers as such, but not be entitled to sit or vote on any subject of a legislative character. The right hon. and learned Gentleman (Dr. Ball) said that three of the heads of the High Court of Justice were to be paid £6,000 a-year; while the remainder of the Judges were to get £5,000 only; so that it was evidently meant to cast a slur on such a distinguished lawyer as Lord Cairns, who would be one of the inferior Judges. Now, his answer to that assertion was that in the original draft of the Bill the salary of all was put down at £5,000 a-year, which was altered in the House of Lords, as the Bill now stood, to £6,000 a-year to the Chiefs of the Court. The right hon. and learned Gentleman had attacked the patronage parts of the Bill. The referees were to be officers of the Court or of the divisions of the Court, and in the latter case the patronage would not rest with the Lord Chancellor, but with the Presidents of those Courts. The right hon. and learned Gentleman should have taken care of his facts before making such allegations. There was one point on which the House was entitled to some explanation. His hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan) had dwelt with some warmth on the fact that the new Court of Appeal, which in practice would decide great Equity cases, would, striking out the five *ex officio* members, consist of a number of distinguished persons, of whom only two would

*The Attorney General*

be Equity men. Now, he felt that was not a satisfactory position of affairs. This was a matter in which his right hon. Friend at the head of the Government and the Chancellor of the Exchequer felt they should not haggle about money. If the thing was worth doing, it was worth paying for to do it well; and what was proposed was this—that instead of the provision in the Bill there should be left to the Queen not an unlimited selection, but a selection with certain qualifications, of persons, not from the Common Law Bar, to fill the places of the three Puisne Judges. This might create a permanent charge; but he thought it not unreasonable, and he hoped it would afford considerable satisfaction to his hon. and learned Friend. There were several other changes, not, perhaps, of any great importance, but which he trusted would meet the more reasonable objections which had been brought forward against the Bill. A reference to a Select Committee meant postponement for another year, which, in the present condition of affairs, meant relegating the whole matter to an unknown future. He begged to thank the great body of the House for the temper and spirit in which the Bill had been discussed. The question about the Vice Chancellor was still under consideration, and might be dealt with in Committee. He had only to express a hope, in conclusion, that the House would negative the Amendment of the hon. and learned Member for Salford (Mr. Charley.)

MR. CHARLEY said, his only object had been to secure a full discussion of the measure, and having attained that object, he wished to withdraw his Amendment. ["No!"]

Question put, and agreed to.

Bill read a second time, and committed for Monday 28rd June.

#### ELEMENTARY EDUCATION ACT (1870) AMENDMENT BILL.

LEAVE. FIRST READING.

MR. W. E. FORSTER, in moving for leave to bring in a Bill to amend the Elementary Education Act, said:—At this hour I cannot ask the House to listen to me for more than a few minutes. But the Session is getting on, and I trust I shall be allowed at once to bring in this Bill, even though my statement

must be very brief. As it is only three years since we passed the Education Act, it may be asked why I bring in an amending Bill? For two reasons—1. Because it is necessary we should finally settle the mode of electing the school boards, the powers given by the Act to the Department to regulate such elections having been only temporary; and, 2. Because the working of the Act has shown some administrative improvements to be desirable. That this should be the case in so difficult a matter will, I think, surprise no one. But I may at once state that we do not contemplate any change in the main principle of the Act. Its chief objects, the House may recollect, I ventured to define in bringing it forward as—

“Legal enactment, that there shall be efficient schools everywhere throughout the kingdom. Compulsory provision of such schools if and where needed, but not unless proved to be needed.”—[3 *Hansard*, cxcix. 444.]

Had time permitted, I would have endeavoured to show that these objects are being attained as quickly as we could reasonably have expected. Before the end of the summer we shall, I confidently expect, have sent out notices requiring the deficiency in school accommodation to be supplied in every school district in which there is such deficiency. This was the result of an inquiry by the Education Department, and of the inspection of 17,000 elementary schools. But meantime the necessity of a compulsory provision has been largely anticipated by voluntary effort. I hope, before long, to have an opportunity of describing and acknowledging the extent of this effort, both in the borough and in the country parishes. I can only now say that—thanks to that educational zeal which has caused the formation of voluntary school boards in almost every important borough, and which in so many rural parishes has made a rate unnecessary by voluntary subscriptions. I could, I believe, prove to the House that there will be very soon a school within the reach of every child of school age in the kingdom. But it may be said, what are schools without scholars? I do not deny that non-attendance and irregularity of attendance are still our great educational difficulties. But we must not suppose that we are not making progress in this matter also. Our Returns up to last year show that scholars

have increased as much as schools; but since our last Return I have good reason to believe that the patient, untiring efforts of the school boards, for which we cannot be sufficiently grateful, and also of many managers have succeeded in bringing many more children to school. When I introduced the Act the last previous Return showed an average attendance in the Government schools of a little more than 1,000,000. I shall be much disappointed if the Returns up to the end of next August do not show an average attendance of about 1,500,000. I will now, as briefly as possible, explain the purport of the Bill. I may as well at once state that there is no provision to make attendance compulsory throughout the kingdom. The grounds upon which the Government have arrived at this conclusion I shall be glad fully to explain when time permits. But it is due to myself and to the House to say that, as regards compulsory attendance, I have personally the same opinion as that which I expressed in debate last year. I have not concealed from my Colleagues my conviction that direct compulsion might be safely made the general law for England and Wales. But I do not deny—and those who agree with me will not deny—that if we are mistaken in this opinion a premature step would be fatal to our own cause. These compulsory laws are very difficult matters; it would be most dangerous to set public opinion against us by an over-hasty step, and the failure to pass a general compulsory law would greatly weaken the school boards in their efforts to put in force their bye-laws. There is one step, however, which the House will, I think, allow us to take—I hope with general approval. There are, I believe, in the kingdom at least 200,000 children of school age of out-door paupers—I fear there are more; and from among these children come a large proportion of those whose education is neglected. At present the Guardians may, if they think fit, provide for their education, but must not make that provision a condition of relief. We think the time has come when we may make this provision general, and we therefore propose to repeal the Act generally known as Denison's Act, and to replace it by words which I can most shortly explain by reading—

“Where relief out of the workhouse is given to the parent of any child between five and

thirteen years of age, or to any such child, it shall be a condition of such relief that elementary education in reading, writing, and arithmetic shall (unless there is some reasonable excuse within the meaning of section seventy-four of the principal Act), be provided for such child, and the Guardians shall give such further relief (if any) as may be necessary for that purpose."

But in this clause we also deal with Section 25 of the Education Act; which I need not remind the House enables school boards to pay the school fees of children whose parents, though not paupers, are poor. I will not now repeat what I have frequently stated that the objects of the House in passing unanimously this clause were, I fully believe, the objects of the Government in proposing it—namely, 1. To enable school boards to get children to school; 2. To take from parents, who neglect their duty, a reasonable excuse. Nevertheless many persons, whose opinions we are bound to respect, strongly object to the working of this section; and we are most anxious to meet their views so far as we possibly can. As I stated last year, we think we can best serve the cause of education, and that too without injuring the voluntary schools, by severing as much as possible all connection between these schools and school boards. I am also prepared to show why we think experience has proved that the Board of Guardians is the body best able to ascertain what parents ought to be assisted out of the rates, and we find that very many of those members of the school boards who have been most active and efficient in increasing the attendance are of that opinion. At the same time we cannot interfere with what we consider to be the parents' right; and, as an advocate of compulsory education, I must repeat my conviction that compulsion must fail if we try to punish a parent who is too poor to pay a school fee for not sending his child to school, without, at the same time, offering him assistance; and also if we deprive him of his right of choosing what school he prefers, when there is more than one school which gives such secular education as is acknowledged to be efficient. We, therefore, propose to repeal Section 25, and enact in its place the following provision:—

"If the parent (not being a pauper) of any child required by a bye-law under section seventy-four of the principal Act to attend school, satisfies the guardians of the union in

which he resides that he cannot comply with such bye-law because he is unable from poverty to pay the whole or part of the school fees charged for the elementary education of such child, it shall be the duty of the guardians to make him such allowance as will enable him to pay the school fees, or such part thereof as he is in their opinion unable to pay. Any such relief or allowance to a parent as above mentioned shall not be granted or refused on condition of the child attending any public elementary school other than such as may be selected by the parent."

The House will observe that these words do not enact that fees shall be paid to school managers out of the rates, but simply that help shall be given only to those parents who without such help could not obey the compulsory bye-laws. Two other provisions connected with the matter I must mention. We do not think that a parent ought to become a pauper merely by receiving this assistance, and therefore we enact, in accordance with Section 25, that any money paid to a parent for this purpose, shall not be deemed to be parochial relief. We also add these words—

"The guardians shall not have power under this section to give any relief or make any allowance to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than one farthing for each attendance at such school."

Some such limitation as this is plainly necessary. The limitation we have taken is that fixed by the Liverpool School Board, who have worked the Act under difficult circumstances with great care and success, and both upon economical and educational grounds it seems to us the best we can take. But I may add that it will make it clear that no voluntary school can be maintained simply by the Government grant and by the fees paid out of the rates, or without such aid from other sources as will more than defray any instruction in religious subjects given in such school. I could show if required that no school is thus maintained at present. The Bill will be in the hands of hon. Members to-morrow afternoon, and I therefore will not at this hour dwell on the other clauses, which with the exception of those relating to the election of school boards are improvements in details suggested by experience. I may state that I have endeavoured to meet the practical difficulties discovered by the school boards in carrying out the compulsory bye-laws; and, as regards elections, we propose

to extend the ballot throughout the kingdom. At present the school boards are only elected by ballot in London and the boroughs; but we propose that there should be the same form of election throughout the kingdom. We have also taken power for the Education Department to make regulations as to charges in the conduct of elections in order to check their cost. In moving for leave to bring in this amending Bill, I will only add that I confidently rely on that general assistance and generous forbearance which was so conspicuously shown by the House during the passing of the original Act; based on the conviction then felt—and which I am sure we all feel now—that this matter of education is one upon which we must legislate without consideration for party feeling or personal predilections. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

MR. DIXON said, he could not help expressing his great disappointment at the announcement which had been made by the right hon. Gentleman. That disappointment could only be equalled by the satisfaction which must be felt by hon. Gentlemen opposite. When an amendment of the Education Act was promised in the Queen's Speech it was hoped that the measure would be of some value.

MR. RICHARD concurred in the opinion which had been just expressed by the hon. Member for Birmingham. He was bitterly disappointed with the Bill, which would certainly not allay the dissatisfaction existing among a numerous and powerful class in the country.

MR. GOLDNEY said, he was glad to find the right hon. Gentleman prepared to be guided by results, and not by theories.

*Motion agreed to.*

Bill to amend the Elementary Education Act, ordered to be brought in by MR. WILLIAM EDWARD FORSTER and MR. SECRETARY BECH.

Bill presented, and read the first time. [Bill 188.]

#### PETITIONS OF RIGHT (IRELAND) BILL.

On Motion of Mr. BUTT, Bill to provide for proceeding on Petitions of Right in the Courts of Law and Equity in Ireland, ordered to be brought in by MR. BUTT, SIR COLMAN O'LOUGHLIN, and MR. CALLAN.

Bill presented, and read the first time. [Bill 189.]

#### BANK OF ENGLAND NOTES BILL.

Subject-matter considered in Committee.

(In the Committee.)

*Resolved*, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide for authorising in certain contingencies a temporary increase of the amount of Bank of England Notes issued in exchange for securities.

Resolution reported:—Bill ordered to be brought in by MR. CHANCELLOR of the EXCHEQUER and MR. BAXTER.

Bill presented, and read the first time. [Bill 191.]

House adjourned at a quarter after Two o'clock.

#### HOUSE OF LORDS,

Friday, 13th June, 1873.

#### MINUTES:—PUBLIC BILLS—First Reading—

Local Government Provisional Orders (No. 6)\* (157); Grand Jury Presentments (Ireland)\* (158).

Second Reading—Municipal Corporations Evidence\* (129); Local Government Board (Ireland) Provisional Order Confirmation (No. 2) (134), postponed.

Select Committee—Canonries\* (83), nominated. Committee—Report—County Authorities (Loans)\* (124); Game Birds (Ireland)\* (127).

Third Reading—Juries (Ireland) (150); Customs Duties (Isle of Man)\* (116); Registration (Ireland)\* (138); Crown Lands\* (117), and passed.

#### JURIES (IRELAND) BILL—(No. 150).

*The Marquess of Lansdowne.*

#### THIRD READING.

Bill read 3<sup>d</sup> according to Order.

LORD DUNSANY moved, after clause 4, to add—

"And it shall be further lawful for the said judge, upon the evidence of the high sheriff, of any justice of the peace, any stipendiary magistrate, county inspector, or sub-inspector of constabulary, to remove from the general jurors book or special book the name or names of any juror or jurors who may have been convicted of any ribbon offence, or arraigned for such offence and not acquitted, or who to the best of the knowledge or belief of the justices or sub-inspector of constabulary within whose district the said juror or jurors reside, is or has been a member of any ribbon or unlawful society; provided the said judge shall be satisfied as to the evidence in the case."

THE MARQUESS OF LANSDOWNE pointed out that the provisions already in the Bill were only temporary. They would expire in January, 1875, but the Amendment would make the Bill a permanent one.

On Question, disagreed to.

Bill passed.

LOCAL GOVERNMENT BOARD (IRELAND) PROVISIONAL ORDER CONFIRMATION (Nos. 2. 3. & 4.) BILL.

*The Marquess of Lansdowne.*

(NO. 134). SECOND READING.

Order of the Day for the Second Reading, read.

*Moved*, "That the Bill be now read 2<sup>d</sup>."—(*The Marquess of Lansdowne*).

THE MARQUESS OF SALISBURY said, he must once more draw attention to the slovenly manner in which these Bills were frequently drawn. The enactments of the Bill consisted chiefly of the enumeration of the sections of previous Acts. The consequences of this were sometimes ludicrous, not to say inconvenient. One of these references in the Bill empowered entry into any dwelling house in Belfast at any hour. One, at least, of the references was incorrect, and this mode of legislation was peculiarly liable to printers' blunders, one of them this Session having confused a provision as to bastard children with Courts-martial in India.

THE MARQUESS OF LANSDOWNE said, that instructions had been given to the Irish Local Government Board to avoid this practice for the future.

After a short conversation, the Motion for the Second Reading was withdrawn, and the Bills were ordered to be read the second time on *Tuesday* next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 6) BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Ashbourne, Bury Saint Edmunds, Epping, Fenton, Richmond (Surrey), Shipley, Stoke, Tong Street, and Ventnor—*Was presented by The Marquess of Lansdowne*; read 1<sup>st</sup>. (No. 167.)

House adjourned at half past Six o'clock, to Monday next,  
Eleven o'clock.

HOUSE OF COMMONS,

*Friday, 13th June, 1873.*

MINUTES.]—SELECT COMMITTEE—Boundaries of Parishes, Unions, and Counties, Mr. Whitbread and Mr. Stephen Cave added.

SUPPLY—considered in Committee—Committee—R.P.

PUBLIC BILLS — Ordered — Building Societies (No. 3)\*.  
*Committee*—Rating (Liability and Value) [146]  
—R.P.

The House met at Two of the clock.

ELEMENTARY EDUCATION.

QUESTION.

MR. W. H. SMITH asked the hon. Member for Birmingham, Whether it is his intention to proceed with the Notice which stands upon the Paper in his name for Tuesday in reference to the Elementary Education Act?

MR. DIXON said, it was not his intention; but on the second reading of the Bill brought in by the right hon. Gentleman the Vice President of the Council, he should move as an Amendment—

"That no Amendment of this Bill will be satisfactory that does not make attendance of the children at the schools, and the formation of School Boards compulsory throughout England and Wales, and that does not remove the objections generally entertained to the 25th clause of the Elementary Education Act."

ARMY—THE MILITIA—GENERAL ORDERS, No. 52, 1872.—QUESTION.

COLONEL CORBETT asked the Secretary of State for War, Whether he will reconsider the Regulation issued with the General Orders for Militia, No. 52, of 1872, which requires that all officers of Militia who are nominated for commissions in the Line shall have attained the necessary age on May 1st of the year in which they are recommended, as fixing that particular day is calculated to act unfairly towards those who happen to have been born in one of the months nearly following that date; and, whether it would not be sufficient for the required age to be attained at the time when the officer is recommended?

MR. CARDWELL: Sir, the question was very fully considered, and it was determined that, as the time at which the Militia regiments are called out varies very much, it would not be fair to fix the time at which the officer might be recommended, and that the only fair way was to fix a day in the course of the training season; the 1st of May was accordingly appointed, and cannot now be altered.

VISIT OF THE SHAH OF PERSIA—  
NAVAL REVIEW AT SPITHEAD.

QUESTIONS.

SIR JOHN HAY asked the First Lord of the Admiralty, If any arrangements are in contemplation to give the Members of this House an opportunity of witnessing the assemblage of ships at Spithead, on the occasion of the visit of His Majesty the Shah to Portsmouth?

MR. GOSCHEN in reply, said, that no arrangements for special trains, special luncheons, or special ships for the Members of the House of Lords or of the House of Commons, or of any of the large public bodies were in contemplation for the occasion to which the Question referred. Every facility would, however, be given to Members of either House of Parliament who desired to be present at it to witness the review.

MR. MITCHELL HENRY asked on what day the review would be held?

MR. GOSCHEN said, there would be an inspection of ships by the Shah on the 23rd instant, and the assemblage of vessels would remain at Portsmouth a certain number of days, in order that the public who might be desirous of witnessing the interesting spectacle might have an opportunity of doing so.

MR. YORKE: Will no vessels be available for Members of the Houses of Parliament except those for the service of the public generally?

MR. GOSCHEN said, he had not said so; but on the contrary, if he knew that a large number of the Members of the Houses of Parliament were anxious to see the review, they would do their best to afford them every possible facility. But the Government did not contemplate any arrangements on the scale of those which were made on the occasion of the Sultan's visit to Portsmouth, when special trains, the splendid vessels belonging to the Peninsular and Oriental Company, and other ships, were engaged by the Government for the day, and 2,500 tickets distributed.

SIR JAMES ELPHINSTONE said, he hoped that, as the expense of entertaining Members of the Legislature on the 23rd, would seem to be thrown by the Government on the officers of the ships, no hon. Member of that House would think it right to avail himself of their hospitality.

MR. GOSCHEN said, that would not be the effect of the arrangements they would make.

ARMY—VOLUNTEER ADJUTANTS.

QUESTION.

COLONEL C. LINDSAY asked the Secretary of State for War, Whether those Adjutants of the Volunteer Force who were Field Officers in the Army when they were appointed, will be recommended for the step of honorary rank on retirement, according to the principle upon which Adjutants who hold the rank of Captain enjoy that privilege?

MR. CARDWELL: Sir, an adjutant, of whatever army rank, serves in the Volunteers as Captain. His Volunteer service, therefore, giving him on retirement a step of honorary rank, it gives him the honorary rank of Major. If a field officer of the Army becomes an adjutant of Volunteers, that service can give him no claim to a step of honorary rank for Army service.

RATING (LIABILITY AND VALUE) BILL.

[BILL 146].

(Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert.)

COMMITTEE. [Progress 10th June.]

Bill considered in Committee.

(In the Committee.)

(Preliminary.)

Clause 2 (Extent of Act).

MR. STANSFELD, in moving, as an Amendment, in page 1, line 8, after "Ireland," to insert "save as is in this Act otherwise expressly provided," said, it was intended by it, to extend, as far as possible, the provisions of the Bill with respect to the rating of Government property to Scotland and Ireland.

MR. CRAFTURD thanked the right hon. Gentleman the President of the Local Government Board for having accepted his (Mr. Craufurd's) suggestion, to extend the operation of the Bill, and also of the one which followed, to Scotland. He was absent from the House on Wednesday last, when the right hon. Gentleman at the head of the Government spoke upon the Roads and Bridges (Scotland) Bill and he wished

now to correct a misapprehension under which the right hon. Gentleman seemed to labour—namely, that he (Mr. Craufurd) had intended that his Amendment should apply to the Bills now under discussion. He had done nothing of the kind. On the contrary, he had expressly stated that he did not intend it to apply to them, and if he thought it would have such an effect he would not have proposed it.

MR. SCLATER-BOOTH said, he was surprised that such a serious Amendment had been so suddenly produced. With reference to a statement made in a former debate, to the effect that the use of the Crown property in the parish of Canongate was larger than all the rest of the parish, he (Mr. Sclater-Booth) thought it was desirable that the Committee should have some information as to the extent of Government property in England and Ireland. He hoped, therefore, that the Committee would receive from the right hon. Gentleman some statements as to the distribution of Government property in different parts of the country, so that some idea might be formed as to the amount of money that would have to be voted annually for the purpose of paying the rate to be levied on such property.

MR. M'LAREN said, that the hon. Member for North Hants (Mr. Sclater-Booth) had misunderstood the remarks of his hon. and learned Friend the Member for Ayr (Mr. Craufurd), who spoke only of the area of the parish, and not of its rental. The Crown property referred to was the Queen's Park, let as a grazing farm at about £800 a-year; whereas the rental of the rest of the parish, crowded as it was with houses, must exceed £40,000 he should think, although he had not the figures before him. The effect of the Bill would be to relieve the grazing land of the taxation, while that on the property, to the value of £40,000, would continue to pay the same rates as heretofore.

MR. MITCHELL HENRY wished to know whether the only part of this Bill which the right hon. Gentleman contemplated applying to Ireland was Part 2, which related to Government property?

MR. STANSFELD said, that it was his intention to apply Part 2 only of the Bill to Ireland. He was not prepared to commit himself to a statement of the value of all the Government pro-

perty in the different areas of the country; but if the hon. Member for North Hants wished to ascertain exactly the distribution, he had better move for a Return on the subject.

*Amendment agreed to.*

*Clause, as amended, agreed to.*

#### *Abolition of Exemptions.*

*Clause 3 (Extension of Poor Rate Acts to other property.)*

SIR GEORGE JENKINSON observed that the recital of the Poor Law Act was incorrect and should be altered, and with that view, he would move as an Amendment, in page 1, line 13, after "taxation of," to insert "every inhabitant and of."

MR. HIBBERT thought there was force in the objection, but that the proposed Amendment would not effect the desired purpose.

*Amendment, by leave, withdrawn.*

An Amendment made, to insert the words "amongst others," after "taxation of."

SIR GEORGE JENKINSON, with the object of asserting that liability to rating should not be limited to real property, rose to move as an Amendment, the insertion, in line 17, after "said Act," of the words—

"And further, at the same time, to provide for bringing into contribution, in aid of the various local burdens now levied under the poor rate, income arising from personal property which is now exempt from such contribution."

He said, it was not his object to get real property exempted; but what he sought to do was to make all other realized property and the wealth of the country share the liability to rating, and to take from it the special exemption which now belonged to it. He complained that the Bill did not touch this part of the question.

MR. GLADSTONE said, that this Bill was the first of several steps which the Government had proposed to take.

SIR GEORGE JENKINSON said, that when the right hon. Gentleman the Prime Minister spoke of that as the first step, one might hope that it was the first step in the right direction, and that it would be followed by others. As an authority in favour of the principles of his Amendment, he would first refer to a former Bill of the present Govern-

*Mr. Craufurd*

ment, which had been described as a Bill of shreds and patches, and which did not get beyond the fringe of the subject, and next to the Resolution recently carried by a majority of 100 on the Motion of the hon. Baronet the Member for South Devon (Sir Massey Lopes) which distinctly recognized the hardship and injustice of the taxation of one description of property. So far, however, from doing anything to give effect to that Motion, the Bill made matters worse; and they were so bad, that the country felt they could not be tolerated much longer. In fact, the Bill would afford no relief to towns, which did not contain Government property, mines, or rights of shooting. A Select Committee of the House of Lords, also consisting of 23 Peers, which sat in 1850, reported strongly in favour of the rating of personal property; but no attention had been paid to their Report. The debate of last Tuesday, which came by surprise on the Opposition, was significant in its result, and the conduct of the hon. Member for South Wilts, who had placed a Notice on the Paper for this Bill to be referred to a Select Committee, and who had abandoned that Notice at the eleventh hour, and was not even present to explain his conduct, reminded him of the sketch which showed the legs of Lord John Russell as he ran round a corner after he had chalked up the words "No Popery." The division, too, on that occasion sufficiently marked the sense of the House; the minority of 30 only showed that the feeling in favour of rating personal property was rapidly growing; and the debate fully effected its object, although the Amendment was defeated. He voted for it chiefly as a protest against the Government Bill not dealing with the question of personal property at all; and the debate with such a division was a more useful result than it would have been to refer the Bill to a Select Committee, and so shelve it for the Session. While the Bill, as it stood, unsettled much, it settled nothing. It raised conflicting interests without doing any corresponding good, and there could be no adjustment of local burdens while personal wealth paid no contribution to them. This Amendment would afford an opportunity to the Government to state what their intentions were; and the announcement of those intentions would be welcomed if they were in the

right direction. As it stood, however, the Bill could not give satisfaction, either here or in the country. He did not think there was any difficulty in the rating of personal property; but, if it were once admitted that justice demanded the rating of personal property, there would be a much greater chance of arriving at a practicable mode of giving effect to the principle. It was not for him to devise the mode of doing it; but, of course, the income from personal property furnished the only means of touching it. He did not see why a man having £20,000 in the Funds should not be taxed equally with the owner of £20,000 in land with regard to the local taxation of his neighbourhood. The late Mr. Crawshaw, the Welsh ironmaster, died worth £800,000 in the Funds, which would produce an income of from £28,000 to £30,000 a-year, and yet in respect of that income he did not contribute 6*d.* towards the burdens of local taxation. It was impossible to justify that while a man with an equal amount of property in land paid 3*s.* or 4*s.* in the pound in local rates; for, of course, the man whose income was derived from the Funds had as much interest in the maintenance of law and order, and of police and sanitary arrangements, as the owner of house property and of land. It might be said that the original Act for the creation of funded property exempted that kind of property from taxation. He looked into the Act, and found that the words were—

"And, moreover, no money so lent upon security of this Act shall be rated or assessed by virtue of this Act."

Those words did not, in his opinion, bear the construction which had been put on them by some persons, and referred to the capital and not to the income of funded wealth. The Funds were now made liable to income tax, and if they were further made liable to rates in aid of expenses for local and Imperial purposes, it would be quite consistent with the original Act of William and Mary and with the Act for the imposition of the income tax. If the licences which were locally collected, such as the dog, horse, gun, and carriage licences, were locally allocated, and if the right hon. Gentleman the Chancellor of the Exchequer could make personal wealth contribute to supply the deficiency thus



created in the Imperial Exchequer, it would be a fair way of meeting the difficulty, and would be less liable to objection than taking a lump sum from the Consolidated Fund; part of which was drawn from Ireland and Scotland. He entirely approved the provision in the Bill to exempt stock-in-trade. The class of property which he wished to see taxed was that enormous mass of personal wealth in this country which was free from local burdens, and in conformity with that view, Schedule C and that portion of Schedule D which contributed to Imperial taxation, but not in any degree to local taxation, was the portion which he wished should be made to contribute to the relief of local burdens. He regretted not to see the right hon. Gentleman the Prime Minister in his place, because he desired to read an extract from the speech of the right hon. Gentleman when Chancellor of the Exchequer in 1853, which bore directly on this subject. The right hon. Gentleman, referring to the exemption of Ireland from income tax, said—

"Let me remind the Committee what exemption means. It does not mean that we have got a bottomless purse, and that we can dispense exemptions to one man without injuring another; no, Sir, the exemption of one man means the extra taxation of another—and the exemption of one country" (for one country here let them read one class) "means the extra taxation of another."—[3 *Hansard*, cxxv. 1898.]

Those were the words used by the right hon. Gentleman in 1853, and there could not be a stronger corroboration of the argument which he (Sir George Jenkinson) had ventured to advance. He maintained that the exemption of one class was a gross injustice which ought to be amended without delay. When the hon. Baronet the Member for South Devon (Sir Massey Lopes) moved his Resolution last year, it was said that those who supported it, came begging to the House. He denied the accuracy of that expression, unless to demand justice was to beg; but if it was so for whom was he begging? He was not begging for his own class, nor for those who were able to come to that House and ask justice for themselves; he was begging for that class of ratepayers in town and country whose lot in life was one of toil and privation, as against those whose life was one of ease, affluence, and luxury. He, therefore, hoped hon. Gen-

*Sir George Jenkinson*

tlemen opposite would give due consideration to this question, without regarding it as one of party, for it was really a question of the claims of the poorer people of this country upon the enormous mass of wealth which was entirely untouched for the relief of the poor. It was a question which was growing in importance day by day, and if this Parliament would not deal liberally and honourably by it, they would have to answer for their neglect at the general election. The hon. Baronet concluded by moving the Amendment of which he had given Notice.

Lord HENLEY rose to explain why, having voted in the majority last year, he could not give his support to the Amendment. While, as a rule, in favour of taxing personal property, yet in this case he did not see how it could be effected with regard to justice, seeing that the owner of property in the Funds was already taxed as respected the general taxation of this country by the income tax. His object, however, in voting with the hon. Baronet the Member for South Devon (Sir Massey Lopes) last year was to show that the subject was one which needed consideration, and that it had not had fair consideration from the Government; but he thought the House had hardly considered it sufficiently to enable them to vote for so strong an Amendment as that being added to a clause in a Bill which, so far as it went, was a good Bill. Whether the hon. Baronet the Member for South Devon was keeping silence because he thought the subject was now receiving due consideration he did not know; but he was opposed to the Amendment because it did not touch the main subject, and because it was sufficiently large and important in itself to be a proper question for a Select Committee another Session. The hon. Member for Liverpool had mentioned that the rates in that town were 6s. in the pound; and the immense importance of the subject was forced upon his attention the other day, when in going through the accounts of the town of Northampton he found that the rates there amounted to 7s. 6d. in the pound. Why, a great outcry was made in that House if an additional 1d. upon the income tax was proposed; but in that case the rate fell upon the ratepayers, not by pence, or even by shillings, but by half-crowns. Here were three

half-crowns which fell upon the people of Northampton, with the exception of those who lived in very small tenements. That was an enormous species of taxation which required the grave attention of every statesman. He held that property in towns should pay such rates as enhanced its value—for instance, rates for paving, lighting, and sewerage; but it was not at all fair that rates for the poor, for justice, and police should be borne by the inhabitants without aid from the State. He thought the House ought not in its present position to vote for the Amendment of the hon. Baronet the Member for North Wilts (Sir George Jenkinson). They had not sufficiently considered the subject to enable them to vote for such an Amendment, and for his own part he should vote against it.

MR. NEWDEGATE: I rejoice that the hon. Member for North Wilts (Sir George Jenkinson) has called the attention of the House to a subject which has not been fairly considered since the year 1850, when the Committee of the House of Lords reported on local taxation. After all, what is the main intention of the Bill before the House? It is a Bill to abolish exemptions from rating. The Government deserve some credit for their intention of considering the abolition of the exemption of Government property from rating. It may also be right that the House should consider the assessment of woods. There will be some difficulty on that subject; for, on counting the rings in the grain of an oak tree, marking its age, I found 230; so that oak tree must have stood for 230 years, at least; and it will need rather an abstruse calculation to ascertain, how the £12 or £15 that tree, when felled, is worth, ought to have been distributed in the rates over so long a period. There are, however, no limits to the power of calculation, and perhaps that difficulty may be overcome. But there are other difficulties, even in the small adventure of this Bill. It has always been considered unjust to require the royalty of a mine to be assessed as rent, seeing that this royalty represents the sale of a certain portion of the property, from which it is taken, whereas rent only represents the annual return from the land generally, and from the application of capital to the improvement of its surface. I am glad that even these small exemptions are to be dealt

with by the Committee. But there remains the great exemption altogether untouched—the exemption of the means of those who do not occupy real property, or rather only occupy some insignificant portion of real property, as do lodgers in a house. Now, I hold that the principle of the Act of Elizabeth was just, which enacted, that every man should be rated according to his means, for such national objects as the provision for the relief of the poor and the administration of justice. I quite agree with the noble Lord the Member for Northampton (Lord Henley), that rates levied and expended only for the improvement or lighting of towns, for the immediate convenience of the inhabitants of those towns, ought to be separated from the rates levied for general and national objects, such as the poor rate, the police rate, and the rate for lunatic asylums. It would be unfair, however, to confuse, in dealing with questions of rating, rates which are laid purely for the local convenience of certain towns, for the mere convenience of their inhabitants, with rates levied and expended for national objects; but I cannot consider that the exemption of personal property from contributing towards national objects is in any degree just. I believe the principle of the Act of Elizabeth, that every man should be rated according to his means, to be the true principle of taxation. Well, Sir, it so happens that I have been inquiring in the library of the House whether it contains any account of the taxation and of the local taxation of the United States of America, and I find that the library is destitute of any information on the subject. But the librarian kindly placed in my hand a pamphlet published for private circulation by the Cobden Club, and printed at Manchester, which can only be obtained on application to some member of the Cobden Club. Now, whatever I may think of the conclusion at which the Commissioners of the City of New York have arrived, as shown by that pamphlet—whatever I may think of the opinions of the Cobden Club, they deserve credit for collecting these statistics and this information, and I cannot help feeling that the House of Commons ought to be in possession of the information to which I have alluded with respect to local taxation in the United States. This infor-

mation is, it appears, at present confined to the members of the Cobden Club. They only have, since 1871, been in possession of detailed information of the manner and extent in which personal property has always been liable to local taxation in the United States. Now, let the House observe the narrow ground on which the question is treated by this Bill. In the United States, by their constitution, the Federal Government cannot, except in cases of emergency, impose direct taxation on property. The privilege and duty of imposing direct taxation for ordinary purposes has been exclusively discharged by the State Governments. That was the original and constitutional form of taxation in this country, and it remains to a certain degree yet in Scotland. And I believe that to be the sound system of taxation; and yet the financial arrangements of this country have been so conducted during the last 22 years that, while in the Customs duties alone, the House has sanctioned the abandonment of £14,000,000 of revenue, during the whole of the same period they have continued the direct taxation, through the property and income tax, in substitution of the indirect taxation in a great measure levied on luxuries, which has been abandoned. In the United States every species of personal property is taxed for State, that is, for local purposes. They tax mortgages, they tax securities, they tax furniture, they tax every kind of moveable property; and, although the members of the Cobden Club disapprove of that system of taxation, in expressing their disapproval they give us the fact, that in every State of the United States, except Pennsylvania, every kind of property, whether real or personal, is taxed, and even in Pennsylvania, personal property is not altogether exempt from local contribution. Here, in England, we have an income tax locally assessed and locally levied; but instead of its produce being applied to local objects, it goes entirely into the Imperial Exchequer. Common sense sanctions the Motion of the hon. Baronet the Member for North Wilts. If personal property is locally assessed and locally taxed, why should not some portion of that taxation be locally applied, as it is in the United States, and in several Continental countries? I may be told that this is a difficult and a large

subject with which the House ought not at present to deal. But I ask, why, then, have the Government entered upon this large and difficult subject if they are not prepared to deal with it properly? Why do they propose to abolish these paltry exemptions from rating—paltry, I say, when compared with the great exemption of personal property—compared with this gigantic exemption, how paltry are the exemptions of game, of the right of sporting, of timber, and even of Government property? If we are to deal with the exemption of any property, from contributing to those national objects, which are accomplished by local taxation, let us, I say, deal with the whole of it; for, unless you consider the subject of exemptions as a whole, the probability is that you will do injustice. Looking to these circumstances, if the Government will not undertake to deal with the whole subject of exemptions from rating, I shall vote for the Motion of the hon. Baronet the Member for North Wilts.

Mr. WHALLEY said, he believed the present proposal to be utterly opposed to public feeling. It was for the interest of the owners of real property in every country that they should take upon themselves the burden of taxation and to relieve personal property, to relieve the muscle and brain of the country. It was for the interest of the country that every kind of personal property should be free from rating, because it was from that that the landlords' real property resulted. By the Act of Elizabeth, stock-in-trade was allowed to be taxed; but the common sense of the people admitted that it would be madness to impose such a tax on personal property of that description; and though the municipal councils of the country had had the power of taxing stock-in-trade for more than three centuries, it was a power which had never been enforced.

Mr. YORKE thought the Committee were indebted to the hon. Baronet who had moved the Amendment (Sir George Jenkinson), although he could not agree in all its details. He wished also to say that he did not think those were correct who supposed that the hon. Baronet the Member for South Devon (Sir Massey Lopes) approved the course which the Government were taking in reference to the subject of local taxation. The large majority of the House

were, he believed, in favour of having some contributions made from personal property to local taxation; but there were difficulties in doing so, which were not to be met by an *octroi* or by means of the machinery of the income tax. Various other schemes had been suggested for the purpose, and the subject had been very well treated in a small pamphlet which had been published by Captain Craigie, the substance of which was delivered in the shape of a lecture at the Social Science Congress at Plymouth last year. It referred to a system which prevailed in Scotland with respect to the classification of rates, and by which many of the difficulties connected with the question were seen to be obviated. He looked on the suggestion of the hon. Baronet the Member for North Wilts, that the licences and horse and carriage duty should go to the maintenance of the roads, as a very valuable one; and those who objected to public-houses might also allow the public-house licences to be applied to the relief of the poor, inasmuch as they looked upon those houses as the origin of their misery. Some again, were of opinion that it could be done by utilizing the machinery of the income tax; but he did not agree with this, because the working classes would be allowed to escape altogether. Moreover, he did not himself think it would be desirable to have recourse to the income tax machinery, as that was not at the present time the most popular impost, and it was, moreover, regarded by large numbers of people as temporary in its nature. Many other suggestions had been made; but he considered they could not do better than fall back upon the Resolution carried by a majority of 100 last year. The best possible solution, after all, was that of the hon. Member for South Devon, and if the administration of justice, the expenses of the police and of lunatics were provided for out of Imperial funds, the best solution of the question would probably have been attained. Now, although he did not entirely approve the Amendment, he should vote for it as a protest against the course which the Government had pursued. The right hon. Gentleman at the head of the Government, in answer to a Question which had been put to him last year by the hon. Member for Cornwall (Mr. St. Aubyn), stated on the subject of local taxation, that, with-

out going into detail, the Government, in dealing with the question, would look very much to the following points:—1st, to the introduction of the representative principle into local institutions, where that principle did not already obtain; 2nd, to equality and justice as between landlords and occupiers of the soil; 3rd, to equality as between the various classes of the community, in respect to the aggregate contributions they made to the public burdens; 4th, to the general revising of public ministration, so that no charges should be imposed or maintained which might be avoided or reduced; and lastly, that nothing should be done to weaken the invaluable principles of local self-government and local self-control which were among the main securities of the institutions of the country. He could not see in the Bills before the House what the right hon. Gentleman had done to give effect to those promises, and he wished by his vote to mark his sense of the manner in which the Government had acted in reference to the subject.

SIR HENRY HOARE felt himself bound in consistency, as he had supported the Resolution of the hon. Baronet the Member for South Devon (Sir Massey Lopes), to vote for the Amendment on the present occasion.

COLONEL BARTHELOT thought the hon. Baronet the Member for North Wilts had done good service in bringing forward the question. He wished, however, before he committed himself by voting upon the Amendment, to understand what was its purport. It declared that personal property which was now exempt from taxation ought to contribute; but if that meant that we were to have an increased income tax, he was not prepared to support it. In the case of burdens imposed by that House for Imperial purposes, and for the general benefit of the country, he thought that the Imperial resources should bear their share; but he was not prepared to vote for an Amendment which might mean something that he did not intend. Under these circumstances, he was unable to support the Amendment of the hon. Baronet.

MR. DODSON thought that if the hon. Baronet the Member for North Wilts went to a division, he would show rather the simplicity of the dove than the wisdom of the serpent, because

such a division would have the effect of weakening the Resolution that was arrived at last year. What appearance would a division on the present occasion present to the public outside. What those who supported the Resolution of last year complained of was, that local burdens fall only on two kinds of property, when they should fall upon all kinds; but how could they complain of the present Bill on that ground when, by assenting to the Budget, they had put it out of the power of the Government that year to give any relief from the contributions of personalty? The present Bill would tax wood, game, and great houses in the country; and hon. Members should be careful how they conveyed to the ratepayers the impression that they wished to prevent property of this kind contributing to local burdens.

MR. CORRANCE thought the hon. Baronet the Member for North Wilts had succeeded by his Amendment in introducing a very large issue into a very small Bill; but that he was to be congratulated to this extent, that he had shown many cases amounting to great hardship and injustice with respect to the subject of rating. However, after the admissions which the Government had made, he (Mr. Corrance) should support the Bill, and hoped the Amendment would be withdrawn.

MR. HIBBERT drew attention to this—that the Amendment pointed to no means of carrying out the principle which was embodied in it; and that, if the proposition were carried, it would be necessary that they should have something more—like the transfer of the licence duty, for instance—before effect could be given to it. [Sir GEORGE JENKINSON: Yes.] But the hon. Baronet had shown no method by which they could bring personal property to contribute to local rates. In fact, the line suggested by the hon. Baronet for obtaining relief from local taxation did not seem to be favoured by the House generally, who were rather in favour of the mode of relief indicated in the Resolution of the hon. Member for South Devon (Sir Massey Lopes). That was not the first proposal which had been made to rate personal property; but all such attempts had been found ineffectual, and one evidence of

that was afforded, by the Act passed from year to year, exempting stock-in-trade from rating. It had been expressly decided that money lent upon interest, salaries, and many other kinds of personal property were not subject to rates, and, as Sir George Lewis said, the rateability of personal property in England, though theoretically sanctioned by law, was practically a new question. In Sunderland, under a local Act, there was power to rate personal property, including shipping; but the difficulty of carrying out the Act was so great, that the authorities had almost ceased to put it in operation, and he believed they would be glad to get rid of this power of rating. Parliament would find the same difficulties in enforcing the Amendment. Many years ago stock-in-trade was rated in a part of the West of England, and the result was, that it drove capital away from the cloth district. It might be said that no such result would follow, if the same law were carried out everywhere. But when and how would it be enforced? Take the case of a grocer. Would the assessment be made when his cellars were full or empty? Or in the case of a wealthy fundholder, having seats in the country and a town residence, where would you assess him? Even with the greatest desire on the part of the House to rate personalty, he believed the difficulties of doing so would be found insuperable. The Government had brought before the House their plan. They said this was only one step in the direction they proposed to take. They meant to deal with the question of local taxation, but first wished to pass the Bills now before the House; and those who desired to support the proposals of the hon. Member for South Devon should help to pass these Bills during the present Session.

MR. CRAUFURD begged the hon. Baronet not to press his Motion to a division, because if he did so, he would imperil that which they had at heart. They had obtained very considerable support in the House in the direction of his object; but he was satisfied that if he pressed the Motion to a division on the present occasion, many of his Friends would have to leave the House without voting for it.

SIR MASSEY LOPES said, he concurred in the suggestion of the hon. and learned Member for Ayr (Mr. Craufurd).

*Mr. Dodson*

His hon. Friend (Sir George Jenkinson) had done good service in raising what had proved a valuable discussion, but he hoped he would be contented with that result. The Government proposals had made the exemption now attached to personal property more invidious; but he confessed he had never been able to see how personal property was to be assessed, and he certainly was no advocate for rating stock-in-trade. He was inclined to think that the mode which he had proposed for obtaining relief from local taxation was the best mode, and would grow in favour with the House and the country.

Mr. DISRAELI joined with those who had urged the hon. Member for North Wilts not to divide the Committee. The labours of the hon. Member in impressing upon the House the necessity of determining upon the liability of personal property to local taxation were worthy of all praise, and he entirely agreed that the House must come to some permanent resolution upon the subject; but the mode of enforcing that liability should be left to a responsible Government. An opposition could only suggest the principle they thought best, and illustrate by instances the injustice of not recognizing this principle. The debate had been very advantageous to the general principle which the hon. Member for North Wilts wished to substantiate; and it was only fair to him to remind the Committee that he had distinctly stated he never contemplated the rating of stock-in-trade. He apprehended that the justice of there being some contribution from personal property in some form would soon be recognized by Parliament, and among those who had laboured successfully to accomplish that object the hon. Baronet's right to be considered one would be acknowledged. At the same time, he thought that, for practical purposes, it was inexpedient that the matter should proceed no further on that occasion. A division on the Amendment would be liable to the greatest misconception; and though he agreed that those who favoured the liability of personal property might consistently vote for it without committing themselves to the principle of a formal assessment upon that kind of property, yet he hoped the hon. Baronet would be satisfied with having originated a debate

which would contribute largely to the formation of a sound policy upon this question.

Mr. STANSFELD joined in the appeal to the hon. Baronet the Member for North Wilts to withdraw the Amendment. The discussion then about to terminate had been very interesting, but, with regard to the Amendment, the Committee was clearly of opinion that it would be impossible to carry it out immediately, and considering it was admitted that something should be done shortly to redress the grievance complained of, whether by contributions from the Imperial Exchequer or by direct allocation of Imperial taxes to local purposes, nothing would be lost by postponing the consideration of the question. He thought, therefore, the Committee had no alternative but to reject it.

Mr. HENLEY thought that the Committee could not feel surprised at the question being raised, when they recollected the Resolution to which the House had come a year back; and it appeared to him that the Government had rather stimulated the desire to bring the question forward by the way they had dealt with the question of exemptions in their Bill. The hon. Baronet the Member for North Wilts, however, proposed that personal property should be rated under the Bill, without indicating the mode by which such an object could be attained. He (Mr. Henley) confessed he was not prepared to follow the hon. Baronet into the wide field into which he had launched, and trusted that he would not divide the Committee upon it.

SIR GEORGE JENKINSON, in reply, said, in consequence of the misconception which had been put upon his proposal, he would ask permission to withdraw it. ["No, no!"]

Mr. NEWDEGATE hoped that the Committee would allow the hon. Baronet to withdraw his proposal, the terms of which were wider than they were prepared to accept. ["No, no!"] He (Mr. Newdegate), however, was prepared to accept the principle laid down, because he thought it possible, with the income tax imposed, to render that source of taxation available for local purposes.

SIR GEORGE JENKINSON said, if he were not allowed to withdraw his

Amendment, he should take the sense of the Committee upon it; but after having assented to the appeals which had been made to him from both sides, a division now upon it would not indicate the feelings of hon. Members in respect to it. ["Divide, divide!"]

COLONEL WILSON - PATTEN suggested that it was, at least, unusual to refuse an hon. Member leave to withdraw an Amendment in Committee; but if a division were desired, he suggested it should be taken on the Motion for leave to withdraw.

MR. STANSFELD expressed a hope that the Committee would assent to its withdrawal. ["No, no!"]

LORD JOHN MANNERS appealed to hon. Members on both sides of the House who were desirous of the withdrawal of the Amendment, if a division were forced upon them, to vote for the Amendment, not, as it were, agreeing to the substance of it, but as a protest against the hon. Baronet being prevented from withdrawing it. ["Divide, divide!"]

SIR GEORGE GREY expressed a hope that the Committee would allow the hon. Baronet to withdraw his proposal, as it would be very unusual under the circumstances to refuse him liberty to do so. The Rules of the House would not permit such a division as that suggested by the hon. and gallant Member for North Lancashire (Colonel Wilson-Patten).

COLONEL STUART KNOX moved that the Chairman report Progress rather than that the Committee should go to a division on the Amendment.

Motion made, and Question proposed, "That the Chairman report Progress."  
—(*Colonel Stuart Knox.*)

MR. RYLANDS expressed surprise that any of his hon. Friends around him should refuse to allow the Amendment to be withdrawn.

MR. COLLINS announced his intention to move that the Chairman leave the Chair if a division were insisted on.

Motion and Amendment, by leave, *withdrawn.*

LORD GEORGE CAVENDISH moved, in page 1, line 22, to leave out "or for growing timber," on the ground that we had not too much of it, and that

trees were not delighted in only by the owner.

MR. STANSFELD assented. It had not been the intention of the Government that single trees should be rated, but simply that plantations should not be placed on a better footing than land under tillage.

MR. YORKE asked whether hedge-row timber would be assessed; in his part of the country hedge-row timber was richer than plantation timber.

MR. STANSFELD said, that plantations only would be brought in.

MR. CLARE READ pointed out that hedge-row timber depreciated the value of the land, and the assessment committees therefore rated it lower than if the hedge-row had no timber in it. He submitted that the Amendment of which he had given Notice, after Clause 3, would much better meet the object the noble Lord the Member for North Derbyshire (Lord George Cavendish) had in view than the proposal he had just made. The Amendment he would propose was to provide a mode of assessing woods; plantations, timber, and game. He contended that the value of the land should be taken in its unimproved and natural condition, whether it had or had not timber upon it. If the Amendment of the noble Lord were simply adopted, the assessment committee would be at liberty to place any value they pleased upon it.

MR. FLOYER doubted whether the provision would have the effect expected of it. He therefore thought it desirable that the Committee should know what the Government thought would be the operation of that section of the Bill. Land with timber on it would not let for more, but for less than land without it. If the right hon. Gentleman the President of the Local Government Board really meant to assess the land at a higher rate because some future owner or occupier would cut down the timber upon it, he must say so, and lay down the principle on which he intended to insist. If he did not, the matter would be governed by the Act now in force; and any Judge or assessment committee would say there was no possibility of charging anything more on the rateable value of the property because there was timber growing on it, but much less. Its value under the Parochial Assessment Act was what a

*Sir George Jenkinson*

tenant would give for the use of it, whilst the trees were growing on it.

Mr. STANSFELD, in answer to the question whether the Bill proposed to place any higher assessment on wood land than on other lands, said, he did not anticipate any such result. On the contrary, it might well be that land occupied by a wood should be of less annual value than land not so occupied. Therefore, the rating and assessment of the wood was not in addition to the rating of the soil. The object of the Bill was to say that the soil should be rated, although it was covered with wood. It had been urged that it was impossible year by year to rate the occupier of a wood which might not be cut for many years to come. That was no objection to his proposal. That objection could be answered by the existing law and practice of this country. There was no difference in point of principle between saleable underwood and other wood—it was not necessarily cut every year, but might be cut every five, seven, 12, 20, or 30 years; and the experience of the assessment committees and the records of the Courts of Justice showed that there had been no legal or practical difficulty in rating it. He found that beech woods in Buckinghamshire were now rated under a Local Act. The Bill prescribed no new principle of rating, and therefore those beech woods would be rated under the ordinary law. In some instances woods were at present rated to the highway rate, and in others, where the owners had consented, to the poor rate. It might be also that land already in an improved state was planted with wood. He thought the Proviso of his noble Friend behind him (Lord George Cavendish), to the effect that wood land should not be assessed at a higher value than if it were not used for plantation or wood, would be better in its phraseology than other Amendments of which Notice had been given on that matter. Saleable underwood was, according to the present law and practice, rated according to an annual average spread over a whole term. That principle was fully recognized in a judgment of Lord Ellenborough. In that case, the wood was cut down every 21 years, and at the time of the rate the trees were about the middle period of their growth. The question submitted was, whether they were liable to be rated

every year according to the annual average value, or when they were cut down only. The Judge said it had been urged that the property ought not to be rated until the produce had been severed from the land and supplied the occupier with the means of paying the rate; but the Court was not of opinion that any of the produce must actually be realized, but that the property was at all times rateable according to the improvement in the value or in the rent which might fairly be expected from it. In a more recent case decided in 1867 that principle was not disputed.

Mr. HUNT thought the right hon. Gentleman the President of the Local Government Board did not appreciate the difference between saleable underwood and other woods. Saleable underwood had an annual letting value, because it might be divided into sections, one section being cut down every year, the proceeds of which would meet the outgoing on the whole of the saleable underwood. But when they came to the question of timber apart from saleable underwood, there the difficulty arose, because it must be left to grow till it arrived at a marketable value, and in the meantime there would be no produce from the proceeds of which to pay the rate or other outgoings. He doubted whether the right hon. Gentleman had given that practical consideration to the subject which would enable him to assist the House in that matter. How was the tenant-for-life to be dealt with, because he would perhaps have to pay the rates during the whole of his tenancy, without getting a single shilling benefit out of the sale of the timber, which would all accrue to his remainder-man, who had not paid a farthing of rates. He thought that lands growing timber ought to be brought into assessment, but the question was how it could best be done. He thought the Government ought to take the matter into their consideration, and be prepared to lay down the rules and principles on which these lands should be assessed, and not throw the difficulty upon the local authorities.

Mr. STANSFELD said, that the case which he had cited disposed of the objection of the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt), because in it, Lord Ellenborough decided that growing timber was to be assessed according to what its value



would be for a term of years, and not according to its annual letting value.

VISCOUNT GALWAY wished to know whether ornamental timber in parks which was of no pecuniary value to the owners was to be rated. He should like the Government to give a definition of ornamental timber.

MR. BOUVERIE pointed out that, if the proposal of the right hon. Gentleman the President of the Local Government Board was to be accepted, nobody would give anything at all for growing timber on land on which there was neither underwood nor pasture, and consequently no rate whatever could be levied upon it. He also wished to know whether the right hon. Gentleman proposed to rate land as bearing growing timber, as well as the underwood on it, because in that case the owner would have to pay double rates for the same property. If the right hon. Gentleman intended to exclude underwood, the exclusion should be expressed as "other than underwood."

MR. STANSFELD said, that of course he did not propose that the land should be subject to double rates. The property would be rated according to its average annual value over a term of years, and not according to its letting value for a single year.

MR. PAGET corroborated the statement of the right hon. Member for North Northamptonshire (Mr. Hunt), with respect to the mode in which underwoods were cropped.

MR. GATHORNE HARDY pointed out that the case cited by the right hon. Gentleman the President of the Local Government Board, had nothing to do with the present question, inasmuch as under the Parochial Assessment Act, which had been passed since that judgment of Lord Ellenborough had been pronounced, woodlands were rateable according to their annual letting value, and not according to their average annual value over a term of years. He suggested that the right hon. Gentleman should strike out of the clause the words "growing timber." To take timber from year to year would be simply absurd.

MR. STANSFELD understood the law at present to be founded on the annual value on the hypothesis of a letting simply from year to year.

MR. CAWLEY agreed in the law as stated by his right hon. Friend the Member for North Northamptonshire (Mr. Hunt). The correct principle was laid down in the Scotch Act, as quoted by the Secretary to the Local Government Board.

THE CHAIRMAN suggested that the debate should be confined to the mode in which the land should be assessed.

MR. HIBBERT stated that there was really no difficulty in rating plantations and timber as had been suggested. There had been no difficulty in regard to rating beech woods in Buckinghamshire, which, he believed, were not cut oftener than once in 30 years. A landlord converted a portion of arable into wood land, and thereby turned it out of cultivation. In Northumberland, many landlords consented to the rating of such lands under the denomination of "plantations and woods;" and he did not know that in these cases any great difficulty arose in regard to the rating.

MR. DISRAELI observed that they were generally cut every seven years.

MR. LOPES said, that underwoods were held rateable simply because they were reproductive; and there was not the slightest difficulty in applying to them the principle of the Parochial Assessment Act—namely, that of the hypothetical tenant, inasmuch as they were cut at certain fixed periods; but when they came to deal with woods and plantations, which were not reproductive, great difficulty would arise; and what he was anxious to know was how they proposed for the future to rate them. Was it proposed to treat the land as arable? He did not think the right hon. Gentleman the President of the Local Government Board had correctly laid down the law. Since the passing of the Parochial Assessment Act he had never heard of any other system of rating woodlands than that of assessing their yearly letting value.

MR. GOLDSMID said, that considerable practical difficulty would arise in rating the underwood grown for hop-poles in the county of Kent, or land on which timber was also grown, if the Bill passed in its present form. In Kent hop-poles were cut once in 10 years. The ground was divided into ten portions, and one of these was cut every year. But there were trees growing in the plantations, oak and beech, which

required the growth of 80 or 100 years; and then the danger arose of a double assessment, one for the timber, the other for the hop-poles.

MR. BERESFORD HOPE also objected to the clause as it stood.

MR. STANSFELD said, he was quite prepared to accept the Amendment of the noble Lord behind him (Lord George Cavendish).

MR. CLARE READ thought it would be better simply to repeal the Act of Elizabeth under which underwoods were rateable.

SIR HENRY HOARE joined in the suggestion of the hon. Member for South Norfolk (Mr. Clare Read). He thought that woodlands should be rated at agricultural prices, and would point out that it was for the good of the country that woods were grown to protect cattle and crops.

COLONEL EGERTON LEIGH pointed out that under the Statute of Elizabeth saleable underwoods were rateable as saleable underwoods. If land was to be rated for plantations and for woods, why should not land be also rated for saleable underwood, and the same principle be followed throughout?

*Amendment agreed to.*

MR. BOUVERIE moved in page 1, line 22, after "wood" to insert "not being land used for the growth of saleable underwood."

MR. STANSFELD assented to the Amendment and expressed a hope that it would be satisfactory to the hon. Member for South Norfolk (Mr. Clare Read).

*Amendment agreed to.*

MR. HUNT observed that the hon. and learned Gentleman the Attorney General was now present. He therefore hoped the hon. and learned Gentleman would explain the case which the right hon. Gentleman the President of the Local Government Board had previously quoted.

MR. CLARE READ said, the Amendment of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) would give a premium to the growth of timber with underwood.

*House resumed.*

Committee report Progress; to sit again upon *Monday* next.

# POST OFFICE—MAIL CONTRACTS— CAPE OF GOOD HOPE AND ZANZIBAR.

MR. DISRAELI said, it would be convenient to the House if the Government would let them know whether the adjourned debate on the Zanzibar Contract would come on on Monday?

MR. BRUCE: It is the intention of the Government to bring it on on Monday, if the Papers on the subject are printed.

AN HON. MEMBER: They are printed.

MR. DISRAELI: That being so, are we to understand that the Government will bring on the discussion early?

MR. BRUCE: The Rating Bill will be first proceeded with. I daresay, however, arrangements may be made for bringing on the Zanzibar Contract at a convenient hour.

It being now ten minutes to Seven of the clock, the House suspended its Sitting.

House resumed its sitting at Nine of the clock.

## SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

## PROTECTORATE OF FIJI.

### RESOLUTION.

MR. M'ARTHUR, in rising to move—

"That, as the Chiefs of Fiji and the white residents therein have signified their desire that Great Britain should assume the protectorate or sovereignty of those Islands, it is desirable that Her Majesty's Government, in order to put an end to the condition of things now existing in the Group, should take steps to carry into effect one or other of those measures,"

said, that last year, in bringing this question before the House, he spoke at so much length, that it was not necessary for him now to do more than call attention to the main facts upon which he rested his case. On that occasion he pointed out that the Fiji Islands occupied one of the most important positions in the Pacific; that in the opinion of high naval authorities no better station for our ships of war was to be found in that great highway between America and Australia; that the islands were

exceedingly fertile, producing all kinds of tropical fruits, and that they were the natural home of the cotton plant, which could be cultivated to almost any extent; and that so long ago as 1859, the principal chiefs offered the country to the Queen, and that that offer was declined on grounds which were now admitted to be untenable. He also pointed out the interest the Colonies took in the question, and, finally, he urged that kidnapping—that monstrous system of slavery which had grown up in the South Sea—could not be extirpated unless Fiji, the great centre of traffic, were placed under the protection of the British flag. The events of the past 12 months had confirmed his belief that the course he recommended was the right one. He complained of the course pursued by Her Majesty's Government in reference to this question. It was unworthy of a great country to endeavour to shift the responsibility on to other shoulders and to ask the Government of New South Wales to take either the Protectorate or the Sovereignty of these islands. In acknowledging the *de facto* Government of Fiji also, and the right of British subjects to throw off their allegiance and to form themselves into an independent State, the advisers of the Queen would be admitting a principle at once dangerous and unprecedented and subversive of the interests of Imperial legislation. Such a course, moreover, would be dangerous to the interests of the native population, who would in that way be left to the mercy of mere adventurers. There had recently been laid on the Table of the House an able and statesmanlike Paper in which Sir James Martin put this view most clearly and strongly, urging that the recognition by the Imperial Government of an independent State formed by a mere handful of British subjects in a group of islands numbering 146,000 native inhabitants would be highly inexpedient. Sir James Martin's view was, that Her Majesty's Government would be perfectly justified in at once establishing a Sovereignty or Protectorate in the islands. It would be in the recollection of the House, that last year the ground taken by the Government was, that no official intimation had been given by the authorities of Fiji of a desire to be annexed to Great Britain, and the right hon. Gentleman the Under Secretary of State for the

*Mr. McArthur*

Colonies declared that nothing like a formal offer had been made on the part of the islands, that Her Majesty's Government should assume authority over them. The right hon. Gentleman the Prime Minister also said that the Government ought not to be compelled to force the Fiji Islands to become annexed to this country, no evidence of any such desire having been manifested. Now, in 1871 a Memorial had been agreed to by the King, the principal Chiefs, and White residents, praying that the British Government would grant Fiji protection for 10, 15, or 20 years, so that the native Chiefs might have time to create a form of government analogous to that of the Sandwich Islands. The Memorial, which was addressed to Earl Granville, concluded with the following prayer:—"In the event of the Government entertaining this Petition, your Lordships' memorialists pledge themselves to acknowledge all the obligations which the Government deem it wise and necessary to impose." That Memorial was signed by the King, by Mafua, and two others of the principal Chiefs, representing the entire native population of the island. That Memorial was sent to the Foreign Office, and while he exonerated the two right hon. Gentlemen respectively from any desire to lead the House astray, yet the conduct of the Foreign Office was very much to be blamed. A document so important should have received an answer. It was similar conduct on the part of the Foreign Office which offended King Theodore and led to the Abyssinian War, which cost the country several millions of money. Had Theodore's letter been answered, that expedition would not have been necessary. The right hon. Gentleman the Prime Minister told the House that Her Majesty's Government would not annex any territory, without a well-understood wish on the part of the people, authenticated by the best means which the case afforded. That statement, coupled with a similar remark made by the right hon. Gentleman the Under Secretary of State for the Colonies, was regarded as a pledge, that if the great majority of the people of Fiji were desirous of annexation, the British Government were prepared to accede to their wishes. Since the Petition sent to the Foreign Office in 1871, the feeling had intensified throughout the whole

of the islands. Besides the expression of feeling in the *Fijian Press* in favour of annexation, there was abundance of other evidence which pointed in the same direction. He might refer to the authority of Mr. Thurston, the "Prime Minister of Fiji," who stated that it was his opinion and that of the majority of the settlers, that annexation was a necessity, and that native Government was an impossibility. So strong was the feeling in all the islands in favour of annexation, and in regard to the powerlessness of the native Government to enforce order, that many of the Members of the Legislature unfavourable to annexation had been asked to resign. A Memorial had been got up in Fiji, which was expected to arrive by the last mail, and which was being signed by all the White inhabitants of Fiji. It was from Her Britannic Majesty's subjects and others resident in Fiji, likewise addressed to Earl Granville, and was in favour of annexation to Great Britain. The Memorial dwelt upon the increasing supplies of cotton, the fertility of the soil, the growth of tobacco, and the undeveloped resources of the *Fijian Archipelago*. The petitioners went on to state that the friendly feeling frequently expressed by a large section of the aborigines towards Her Majesty's subjects in Fiji, and the regard they entertained for Great Britain and the Queen, indisputably proved the strength of the wide-spread affection of the *Fijians* for the British people. Further, they stated that the United States had recently taken possession of an island belonging to the Navigator's Group, which, from its proximity to our Australian Colonies and New Zealand, might, under certain complications, be menacing to British commerce in the Pacific Ocean. That was an additional reason why the Fiji Islands should be forthwith included in Her Majesty's dominions. The petitioners also urged the advantages afforded by *Fijian* waters for the establishment of a permanent naval station, and in connection with it a Vice Admiralty Court, which would be the means of placing the labour trade on a basis of beneficent security. The Petition proved, to quote the language of the Prime Minister, that there existed in Fiji "a well-understood wish for annexation, frequently expressed and authenticated by the best means the case will afford." Under those circumstances

he (Mr. M'Arthur) asked Her Majesty's Government to fulfil the implied pledge they gave last year, that on ascertaining the wish of the inhabitants they would be prepared to take this question into consideration with a view to annexation. Turning next to the political aspect of the question, he had no hesitation in expressing his belief that, considering their geographical position, the Fiji Islands were as important to us in the Pacific Ocean as Malta was in the Mediterranean. Captain Washington said in his Report—

"In looking over the subject, I have been struck by the entire want by Great Britain of any advanced position in the Pacific Ocean. We have valuable possessions on either side, as at Vancouver's Island and Sydney, but not an island or rock on the 7,000 miles of ocean which separates them. We have no island on which to place a coaling station so that we might get fresh supplies."

Similar opinions had been expressed at the colonial conferences held in Melbourne and Sydney. With regard to the commercial advantages it was obviously important for us to have a station on the great highway between British Columbia and San Francisco on the one side, and Australia on the other. The exports and imports of Fiji had steadily increased, their value being \$50,000 in 1869; \$90,000 in 1870; upwards of \$120,000 in 1871; and upwards of \$300,000 in 1872. Moreover, that country, which lately was so deeply degraded by the most dreadful crimes, now contained a population advancing in education, civilization, and Christianity. An official statement, made by Mr. Clarkson, the treasurer of the Government in Fiji, showed that the population of the islands numbered 150,000, of whom about 2,000 were Whites; that there were in the islands 611 chapels, 1,389 schools, with 45,243 scholars, while the number of attendants at public worship was 107,250. He regarded all that as a remarkable fact, in connection with the history of the Fiji Islands; and he felt sure that if they gave those islands a strong Government, capital would flow in, people would resort there, and they would add to the dignity and strength of the Empire. With regard to the philanthropic view of the question, he believed it would be utterly impossible for any Government to put down the slave trade in the Pacific Ocean, unless those islands were placed

under the protection of the British flag. To show the character of that infamous traffic, he would cite the testimony of Captain Palmer, who stated that on one of the islands slaves were flogged, Cayenne pepper was applied to the wounds, and a toe of one of them was cut off. The Reports of two officers in Her Majesty's service, Captain Palmer and Captain Markham, showed that a traffic in natives, which was really a slave trade, was carried on, natives being torn from their homes and often brutally treated by men calling themselves Englishmen. According to Vice Consul March, girls—sometimes only 13 or 14 years of age—were bartered and sold to planters in the most disgraceful way, the settlers regarding this as a normal and inevitable state of things. The hon. Member for Warrington (Mr. Rylands) had, it seemed, an Amendment on the Paper, to the effect that any attempt on the part of Great Britain to assume the Protectorate or Sovereignty of the Fiji Islands, by suppressing the *de facto* Government of Fiji, would be contrary to public policy, and an unjustifiable interference with the rights of an independent people; but he (Mr. M'Arthur) contended that it was unnecessary, from the fact that the existing Government, though more respectable than its predecessor, was not recognized by the majority, either of the White or Black population, and it was unable to enforce the law, to prevent the slave trade, or to repress scenes of turbulence and bloodshed. A requisition to one of the Representatives, asking him to resign, in order that the country might come under the protection of England, stated that self-government had been a signal failure, that the country was deluged with worthless Treasury notes; and that the price of many articles had doubled; while in complying with the requisition, that Gentleman said he endorsed all its statements. As to the objection that a large expense would be involved in annexation, he denied that it would throw any charge on the Imperial Revenue. The requisite officials would not cost more than £6,000 a-year, and a small Native Force with one or two gunboats at the Governor's disposal would suffice, while the Treasurer, Mr. Clarkson, anticipated a Revenue of not less than £30,000, and believed in two years it would reach £100,000. Considering, moreover, that,

according to the Chancellor of the Exchequer, £250,000 had been spent in five years in putting down the East African Slave Trade, and that the men-of-war now stationed in the Pacific were unable to suppress a similar traffic, it would be an economical measure to take possession of Fiji. Colonel (now Major General) Smythe, who, when sent to report on the matter, gave an opinion adverse to annexation, now admitted that it did not apply to the existing circumstances. He stated that the condition of affairs had undergone such a change that he was now of opinion that our best course would be to accept the offer of the Sovereignty of the group which had been made by the Chiefs. He was glad to find that a communication had been made to the Government by the Government of Fiji through Mr. Thurston, in which that gentleman stated that he had been officially authorized by the King to put the question of cession direct to Her Majesty's Government, and if they were willing to entertain it the Fijian Government would make a proposition to them. That Paper the noble Lord the Under Secretary of State for Foreign Affairs had promised to lay on the Table of the House in a day or so, and he trusted our Government would duly consider the matter. In concluding his remarks, he (Mr. M'Arthur) wished to make a personal appeal to the right hon. Gentleman the Prime Minister. Last year the right hon. Gentleman did not express himself as hostile to the spirit of the Resolution; but he deprecated premature or precipitate action before circumstances made the duty of the country perfectly clear. They had waited a whole year, which was surely sufficient time for deliberation. In the space of that year new outrages had taken place. Slave ships had scoured the South Seas in search of their human prey. Slavery practised by Christian Englishmen had fastened its roots more deeply in the soil of Fiji, and the best and most orderly of our countrymen, with the full sympathy of the native chiefs, had again and yet again prayed the mother country to give them the blessing of a stable government based upon just laws. The right hon. Gentleman had filled the office of Colonial Minister. He was therefore no stranger to the traditions of that office, and to the glorious history of our colonial

dominion. He knew that the Motion accorded with the best of those traditions, and with a just view of both the interests and duty of the nation. Would he then take upon himself the responsibility of a further policy of delay—a policy of ignoble timidity and vacillation—a policy which would perpetuate in the year to come, as it had done in the year that was past, those crimes and outrages which Her Majesty in her Speech from the Throne had so fervently deplored? Our representatives in Fiji and Australia had done their duty, while public opinion both there and at home had urged the Imperial Government to perform its duty. It, therefore, remained for the right hon. Gentleman to decide whether he would allow the present state of things to remain, or whether he would realize the legitimate wishes of his countrymen, and by accepting the annexation of Fiji, open out new fields for British commerce and British enterprise, and thus add another to those magnificent colonies in the southern hemisphere which had contributed so largely to the wealth, the prosperity, and the power of the British Empire. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

SIR CHARLES WINGFIELD, in seconding the Resolution, observed that the propositions made to our Government by the inhabitants of Fiji had been for either annexation or a protectorate. He should support the Resolution in the sense of annexation, for he knew what that was, but he could not tell what a protectorate really involved. For his own part, he had no confidence in the present White Government of Fiji, as the Members of it were participators in the slave trade and slave owners. This had been stated from the bench of the Supreme Court in Sydney. He referred to the horrors of the bloodstained ship *Carl*, and the murders which had been committed on the natives who had been caught and imprisoned in the hold and fired upon; a Member of the Government being the consignee of the cargo, and having actually disposed of the survivors at a commission of 5 per cent. At that moment one-half of the Whites repudiated their authority; so much so, that the Government had been obliged to ask for assistance from Her Majesty's ships to reduce the Whites to obedience. The Premier Woods had

been dismissed, first of all, from Her Majesty's Navy, and then from the Australian Navy; and another Member, Smith, was the owner of one of the most notorious slave ships the *Nukulau*. The effect of the policy of treating the Fijian Government as an independent *de facto* Government had tied the hands of our naval commanders, had weakened the authority of our Consul, and had lowered the dignity of Her Majesty's Representative in New South Wales. The Governor of New South Wales had recognized Woods as Premier, and he had been remonstrated with by his responsible advisers for doing so; and it had been also decided that the jurisdiction of the Australian Courts might be exercised in the case of British subjects who complained of acts of violence if they declined to recognize this Fijian Government and its Courts of Law. He trusted that the exertions made by the Consul March to put down the slave traffic and to bring to justice those who had been engaged in the recent massacre were appreciated by Her Majesty's Government. Had Mr. Consul March truckled to the *de facto* Government of Fiji, he might now be a prosperous plantation owner; but he did not. On the contrary, he risked his own life in the endeavour to bring the guilty parties to justice, and in this effort he had succeeded. His acts in that respect had incurred for him the bitter hostility of the Fijian Government, and apparently had brought him into bad odour with our own Government, as he had been transferred to a part of Brazil where two of his predecessors had lost their health. Such a proceeding on the part of the Government was not very likely to encourage British Consuls to interest themselves in putting down the slave traffic. He supported the Resolution, mainly because he believed that annexation was the only way in which this traffic which brought such reproach on the British name could be put a stop to. He did not see with what justice or consistency the English Government could force the Sultan to put down the slave trade at Zanzibar, while they permitted an equally bad slave trade to be carried on in those islands, almost entirely in British ships and by British subjects, when they could effectually suppress it without spending a shilling of money, and with the entire approval of the English people. The native inhabitants had now asked on two separate occasions that

the Government of the Queen should assume the Protectorate of their territory; the *de facto* Government had applied to them very recently to the same effect; and under those circumstances the objections urged to the Resolution being thus removed—he trusted Her Majesty's Government would accept and the House adopt the Motion of his hon. Friend.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "as the Chiefs of Fiji and the white residents therein have signified their desire that Great Britain should assume the protectorate or sovereignty of those Islands, it is desirable that Her Majesty's Government, in order to put an end to the condition of things now existing in the Group, should take steps to carry into effect one or other of those measures,"—(*Mr. M'Arthur*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE said, with every respect for the abilities and character of his hon. Friend who had seconded the Motion (*Sir Charles Wingfield*), he could not but regret some of the statements he had made. With one portion of his speech he fully concurred—namely, that which referred to the course adopted by Mr. Consul March. That part of the speech he thought he could deal with in a way that would be satisfactory to his hon. Friend, for he might at once dismiss from his mind the apprehension that the services of that gentleman were, by anything they had done, attempted to be at all depreciated by Her Majesty's Government. On account of changing circumstances, it was deemed wise by the Secretary of State that Mr. March should receive another appointment, and he had been removed to another post, which did not greatly differ in point of emolument from that in the Fiji Islands, although the salary was somewhat higher than that he enjoyed there, and it was not necessary to construe the transfer as involving any censure upon Mr. March. As to the other part of the personal matter, he felt a still stronger regret. His hon. Friend had catalogued the Members of the Government of the Fiji Islands, and had described them as men engaged in the slave traffic, as men tainted with crime, and degraded with

dishonour. ["Hear, hear!"] That he found was cheered; but it was a serious matter that at this end of the world, at the opposite point of the diameter, and in a House where there was no one to meet the charge, they should be set down as men who ought to be standing at the bar of a criminal Court. That was, he repeated, a very serious matter, and not consistent with that equity and fairness which required that they should not enter upon criticisms of that kind upon the character and conduct of gentlemen—or if that term were objectionable—of persons who were not present to defend themselves. It would have been desirable that his hon. Friend, before he so blackened the character of these men in a speech which would go forth to the world, and when weeks and months would elapse before they would have an opportunity of replying, should have given some Notice of his intention, so that some inquiry on the subject might have been made in the country itself to see if there were a unanimity of testimony in support of his statement. Of course, he (*Mr. Gladstone*) could not say that they were not engaged in the slave trade; but accounts which reached the Government from persons, probably not less trustworthy than those who informed his hon. Friend, were by no means so unfavourable to the character of the persons composing the Government of the Fiji Islands. He meant Naval officers who commanded the ships of Her Majesty in those waters, and they did not find generally in the proceedings of the Fiji Government a disposition to render nugatory the measures for the prevention of the abuses and cruelties of the labour traffic. One of those gentlemen was Mr. Thurston, whom his hon. Friend had by implication severely stigmatized as an accomplice of those men. He sat in the Cabinet; he was Premier, and succeeded another Premier; Premiers were dismissed in that hemisphere as well as in this. Another gentleman was Mr. St. Julian, who filled the office of Vice Consul on behalf of Australia in the Fiji Islands for some time—a person who enjoyed general respect, as he believed was the case also with Mr. Thurston. Far be it from him to assert that every one of those gentlemen was immaculate in the absence of distinct information; but, in the absence of distinctive information,

*Sir Charles Wingfield*

he hoped some reserve would be shown in endorsing a sweeping and indiscriminate condemnation of men who had not the opportunity of securing anyone to defend them in that House. He came now to the Motion of his hon. Friend the Member for Lambeth (Mr. M'Arthur), which was a matter requiring great thought and care, and while premising that there was much of abstract opinion contained in it which he was not prepared to adopt, he thought it would be well if he stated where he agreed with, and where he differed from, the hon. Gentleman; but at the outset he would assure him Her Majesty's Government did not propose to treat the matter either in a negative spirit or with indifference. The hon. Gentleman's speech divided itself into three branches—the territorial, the commercial, the philanthropic, and incidentally, the financial. He would not follow him into the territorial part of the question, but he would observe that in his experience there was nothing more popular with the House, or with that portion of the House who felt a lively interest in this class of questions, than speeches tending to incite and encourage the Government towards the annexation of new territory; nothing was easier than to make out a plausible case for appropriations of this kind, and nothing was more acceptable; the hon. Member's heart must have been cheered by the warm expressions of approval which accompanied those portions of his speech in which he insisted on the advantages of enlarging the territory of this country; but, he must add, nothing in the world so much excited the odium, suspicion, and displeasure of the same portion of the House as the manifestation in any other country of a similar disposition. Now, he commended to all the philosophers of the 19th century, and to all practical politicians, the desirability of having one and the same measure of justice for ourselves and for other people. It might be the chill of age which was coming upon him; but he confessed he did not feel that excitement for the acquisition of new territory which animated the hon. Gentleman, especially as, with all the efforts which Parliament made to meet the wants of the territories we already governed, the arrears were accumulating in advance of the most persevering efforts they could make. Simi-

larly, with respect to commerce, we had, by asserting the principle of liberty in trade, opened the world to the commerce of Great Britain to such a degree that our ingenuity, enterprise, skill, manual power, and machinery were scarcely able to cope with expanding opportunities; and, under those circumstances, he could afford to say he did not feel the great pressure of the argument for securing particular guarantees for our commerce in this distant part of the world. England had mounted so high by the assertion of sound principles of trade, and had felt so greatly the advantages resulting to themselves and the whole world from them, that they did not feel the pressure of the argument which had been used in favour of this country acquiring the commerce of the distant islands of the world. When the hon. Gentleman referred to not allowing Australia to interfere with the commerce of the Fiji Islands, he would ask him whether he knew what was going on in Australia at this time. The hon. Gentleman said it would be of immense importance to us to prevent the commerce of the Fiji Islands with this country being restricted; but the hon. Gentleman should remember what Parliament had been doing this Session. They had passed a measure enabling the Australian Colonies to restrict their commerce by creating differential duties between themselves; and it would be difficult to confine the operation of that measure to those colonies. He now came to what he regarded as by far the most important part of the speech of the hon. Gentleman—namely, that which he had called, in no taunting spirit, the philanthropic part of the speech. As he agreed in the main with what the hon. Gentleman said as to the deplorable nature of some of the occurrences which happened in the region of Fiji, it was not necessary to follow the speech in detail; but he desired to say that both he and his Colleagues felt very strongly the importance of that country taking all proper and reasonable steps in order to put an end to a state of things in which British subjects, removing themselves from the territorial jurisdiction of the Home or Colonial Governments, planted themselves in a region of the earth having no political relation with us, and defiled that region by what was, either avowedly or virtually, a traffic in human



flesh, with its usual accompaniments of moral degradation and physical cruelty. This country had endeavoured to prevent that traffic in human flesh, and had made it a part of its duty to diminish in that respect the woes of mankind, and therefore the hon. Gentleman would understand that he did not deny that what had taken place in the Fiji Islands was a serious matter and would call for the careful consideration of the Government. He did not deny that the hon. Gentleman was right in basing certain expectations on remarks which fell from himself and his right hon. Friend near him (Mr. Knatchbull-Hugessen) in the course of the debate last year, but he desired that those expectations should be well understood. The hon. Gentleman said it was declared or implied in those speeches that, in the event of a clearly-expressed and well-authenticated wish for annexation to England on the part of the White and native populations of Fiji, Her Majesty's Government would proceed to annex the islands. Let him in the first place consider whether, according to the statements of the hon. Gentleman, the condition had at the present moment been fulfilled. The hon. Gentleman said the Government of Fiji had already made an application for annexation, and that there was now on its way to England a Petition to the same effect signed by the natives; but would he say further that in that state of things the case was ripe for the specific step which he called upon the Government to take? He did not think that view could be held, even if the hon. Mover and Seconder of the proposition under discussion possessed a tolerably good opinion of the Government of the islands, which was not however the case, so far, at any rate, as the hon. Seconder of the Motion was concerned. It had been stated further that the Government was entirely powerless, and was not recognized by the majority of the people. If that was so, what weight or authority could attach to its declaration when made the basis of a demand for annexation to the British Crown? How much weight and authority could also be attached to a Petition, which had not yet arrived, emanating from such a Government? In the absence of precise information on the subject, he could not enter into a controversy with regard to it, but he recommended the point to the considera-

tion of the hon. Gentleman. There had been cases in which the Government of Fiji had struggled successfully in the cause of right and justice; but it might also be that they preserved a little indulgence for their own personal views and predilections. Then, with regard to the Petition which was said to be on its way to this country, it was not as yet known by whom the document was signed, and, in the absence of information on the subject, he did not think the House should be asked to adopt a proposal of so definitive and conclusive a character as that now before the House. The Government would, however, take steps to procure such accurate information as would enable them to cope with the difficulties under which they undertook to investigate a complicated question at the other end of the world. At the commencement of his speech the hon. Gentleman contended that it was a most dangerous doctrine to lay down that British subjects might by withdrawing themselves from the British Empire, throw off their allegiance, become *de facto* Governments in other lands, and claim to treat with England as independent States. There was a great difficulty in the way of any such admission, but did the hon. Gentleman close his eyes to the difficulty on the other side? Were they, because they admitted the difficulty which had been pointed out, to rush to the extreme of declaring that wherever any body of British subjects, in the use of the personal liberty provided by the law, transported themselves into a foreign land, and became an important community, the British Government was bound to follow, and establish a dominion over them? The hon. Gentleman surely would not make any such monstrous assertion, for if one doctrine was dangerous the other was little short of absurd. Under those circumstances, the Government were taking what appeared to them to be the rational and only real means of making progress in the handling of the question by instituting a responsible and trustworthy inquiry into the facts which bore upon the conduct of the case in all its essential particulars. The hon. Gentleman had studied and learnt much with regard to the question of Fiji, and he (Mr. Gladstone) hardly knew how to express the sentiment with which he heard the statement that a population of about 140,000 natives and some 2,000

*Mr. Gladstone*

Whites produced 107,000 attendants upon Divine worship.

MR. M'ARTHUR said, he made the statement on the authority of Mr. Clarkson, one of the missionaries engaged in the islands.

MR. GLADSTONE did not dispute the accuracy of the statement; he only felt surprised to hear that the Fiji Islands furnished a larger proportion of attendants on Divine worship than any country in Christendom. The hon. Gentleman would admit that there were a great many other points connected with this question upon which it was absolutely necessary to obtain further information before any decisive step was taken. He would not say that the experience of New Zealand had been unsatisfactory; but he would say that even in that case, it would have been desirable to have obtained a clearer view beforehand of the responsibilities England was about to undertake, than they actually possessed at the time when the annexation occurred. They ought to have known that they were about to be involved in a charge of about £10,000,000 for military expenditure, and in all the waste and destruction of life and property which the expenditure involved. There was no country in which missionary labour had been so zealous, prolonged, and successful as New Zealand when we annexed it, yet many of the difficulties which had since occurred in New Zealand might have been avoided if the Home Government had had a more careful investigation of the circumstances in New Zealand, before they finally took it upon themselves. Therefore, the Government were desirous—and he hoped the hon. Gentleman would join in that desire—to profit by their past experience, and not to commit the same errors with regard to the territory of Fiji which they had committed with regard to New Zealand. It appeared to them necessary that they should consider a number of points which he would briefly run over, and that there would be a variety of courses open. They did not agree with those who thought that the alternative should be absolutely cast aside, of using the Government actually established in the Fiji Islands as the instrument of governing the country. It was clear that if it could be done, and if the philanthropic measures of the hon. Gentleman could be attained through that

measure, it was the best measure of attainment. If the Government really warranted the character given of it by the hon. Member who seconded the Motion, it would be by no means desirable to make use of that Government; on the other hand if the Fiji Government were shown to be one of tolerable capacity, if it exercised a tolerable amount of authority, and if it had the power of adapting itself to the wants of the people, these would be great recommendations. That Government had, however, one great recommendation in its favour—namely, that it had sprung out of the soil, it had its roots in the soil, it was born upon the spot, and it had made a certain though limited way towards the true character of a Government. The House must not suppose that he meant that it was a Government which they could treat as if it were a recognized Government in a civilized country. His hon. Friend the Member for Lambeth said, that Her Majesty's Government had recognized the Government of Fiji. They had, however, only recognized it as a *de facto* Government. His hon. Friend had illustrated his argument by referring to the Government of Spain, our recognition of which, he said, was equivalent to a full and unlimited recognition. If his hon. Friend would ask any of the gentlemen who formed the present Government of Spain, whether our recognition of that as a *de facto* Government was equivalent to a full international recognition, he would find himself undeceived. Every country drew an important distinction between that mere unofficial recognition of a Government—a thing which existed for the moment and for the necessary transaction of business, and a free and formal recognition of one independent and civilized State on the part of another. Such a recognition might be given to the Fiji Government, but only on certain conditions. It would first be necessary to ascertain that it would be practicable through the means of the Government, and by distinct covenants with it, to obtain practical securities for putting down the abuses now complained of. That would be the first question which it would be the duty of the Government to examine. Another method of proceeding which had been recommended and might be taken was to arm the British Representative in the Fiji Islands

with a personal jurisdiction over British subjects, supported, of course, by adequate means for its enforcement, and arranged, as it must be, with the goodwill of the local authorities. He would not give any opinion as to the preference between one mode or the other at the present time, because a thorough and impartial examination was the duty which the circumstances of the moment imposed upon the Government. The third method of proceeding was, that which his hon. Friend had embodied in his Motion, but which his Seconder had thrown overboard—the assumption of a Protectorate in Fiji. He (Mr. Gladstone) would not venture to throw overboard that method of proceeding; but he thought there was, however, great force in the objection that that would involve the responsibility of annexation. Lastly came the proposal of annexation itself. That was a very large question, involving many consequences deserving of careful consideration, and requiring special examination of its own. For example, if these islands were to be annexed they would present to us, in the most aggravated form, the difficulty arising from marked differences of race, which occurred already in some of our colonial possessions. Where the superior race was very large in numbers, and the less developed and less civilized race were small, the difficulty was little felt. In Porto Rico, for example, although there was a very large number of negroes—now, happily, no longer slaves—yet the number of Whites was extremely large in comparison, and the slave emancipation had been effected without difficulty. Jamaica was not like Porto Rico. The Whites were very small in number in Jamaica compared with the less developed race. There had been a struggle to maintain free institutions from 1834 to 1864. Yet the Imperial Parliament had been reluctantly compelled to give up the attempt, and establish a Government which was no longer founded on the principles of liberty and representation. Fiji contained a population variously computed at 140,000, 160,000, and 200,000. Among the native Blacks were perhaps not more than 2,000 Whites, made up of several nationalities, although Englishmen were in the majority. Among these white settlers were men who were the agents in transactions almost more disgraceful than the avowed

and open slave trade. How serious then were the political questions which opened to view. Could such a country be governed on the principles of freedom? Were the people to be allowed a share in the Government, and what was the share to be? The contention of the Government, and which he believed that public opinion would approve, was that no final step should be taken until after the Government had obtained the fullest knowledge on this question. With regard to the question of finance, he thought the estimates of his hon. Friend were too sanguine. He (Mr. Gladstone) knew of no country where 140,000 or 160,000 people were governed at an expense of £7,000 a-year. But that was a matter for examination, and another matter for inquiry was the demand likely to be made upon this country for the maintenance of a standing military force in these islands. This was a question not only of expense but of policy. For years past successive Governments in this country had laboured to correct the vicious system of dispersing the Army of England in little knots over the face of the world, to be exhausted in barren and worse than barren conflicts with aboriginal tribes in uncivilized countries. There must be no risk of anything like the recommencement of such a policy here; and it was important therefore to consider by what means the peace of the Fiji Islands was to be maintained. Would a military force be necessary, or could the natives themselves preserve the peace of the islands by something like a civil or a police force? An immense object would be gained, morally and socially, if we could find among the native population the means of maintaining order. The question was one upon which no positive opinion could at present be passed; but what was known as to the character of considerable numbers of the natives did not exclude the hope that their services might be made available, in case it should be the duty of the British Government to provide for the future tranquillity of these islands. No doubt, something must be done to put a stop to the abuses which his hon. Friend had assailed, and that something must be determined by the exercise of the best judgment of the Government. As yet, however, they knew next to nothing about the interior of the Fiji Islands,

the character of the islanders, or to what extent the authority of the King and of the two Chiefs who had joined him extended in comparison with the entire population. Above all, we knew nothing of that vital question—the tenure and occupation of the land. It was defective knowledge on the subject in New Zealand which involved us in all our difficulties there. We must not again fall into that error, but must ascertain in Fiji how land was held and inherited, and in what way land could be lawfully and peaceably acquired by Europeans. For the purposes of inquiry on these points the Government had secured the services of two trustworthy and competent men. One was a naval officer of distinction, Captain Goodenough, who had just sailed for Wellington, New Zealand, from which point or from Sydney he would take his start in company with his coadjutor in the inquiry. There was no profession the habits of which produced in the minds of those who held command in it greater readiness for practical dealing with affairs than the Navy. Captain Goodenough, moreover, was known for general activity, intelligence, and resources; and to the prospect of his aid in the case, the Government looked with satisfaction. His coadjutor was the brother to our Minister at Madrid (Mr. Consul Layard), who had been appointed Consul at Fiji, and only waited his instructions to proceed by the mail route to Australia, so that in the autumn of this year these two gentlemen would apply themselves to their task and would prosecute it with all the despatch which was compatible with thoroughness of execution. He hoped his hon. Friend would concur in the course taken by the Government, who were sensible of the gravity of the subject and anxious to deal with it to the satisfaction of the House and the country.

Mr. R. N. FOWLER said, he was glad to observe that the valuable services of Mr. Consul March were recognized by the right hon. Gentleman at the head of the Government, but he must appeal to the right hon. Gentleman to say whether those services had not been very ill requited by his country. It was admitted that Mr. March had rendered great service, and his reward had been to be recalled from Fiji and nominally promoted, but the promo-

tion was to the pestilential climate of Para, and the inference was that his conduct had not been approved by the Government. *Laudatur et alget*, and he would submit to the House whether the inference drawn would not be that Mr. March who had rendered such services to humanity had not been recalled because he was disliked by the slave traders of Fiji. He should be one of the last persons to recommend any increase of territory by improper means; but there need be no such means here; and these islands would form a most valuable station for naval purposes, and also for effecting the suppression of the slave trade. He hoped the Government would avail themselves of any opportunity to put an end to that horrible traffic, and that the House would pause before they rejected the Motion.

ADMIRAL ERSKINE said, he would only make a few common-sense remarks in support of the Motion of his hon. Friend the Member for Lambeth (Mr. M'Arthur). He could not agree with the right hon. Gentleman (Mr. Gladstone), in thinking that we were not bound to interfere in cases where English colonists had settled in distant parts of the world. Not a century had elapsed since we took possession of Australia for our own selfish purposes, and now that those purposes were more than served, it would be the most contemptible policy to repudiate the responsibilities arising from our having changed the whole face of a large portion of the globe. It would have been wrong on the part of any Government to ignore the existence of these colonists, but if our own sense of duty did not point out the course which we should pursue, then Foreign Governments would have the right to claim from us the regulation of the proceedings of our subjects who had gone to these islands. There could be no doubt that a trade was carried on which would in olden times have been called a slave trade, and that the Government of Fiji was formed upon slave-trading principles; and that was clearly shown in proceedings which had taken place in Criminal Courts in reference to vessels which had carried on this illegal trade. Last year, it appeared 2,300 Polynesians were introduced into the Fiji Islands, for the return of whom to their homes, bonds for £7,000 were demanded from the planters by the

Government. This amount was nearly equal to £3 a man, and could it be supposed that so small a penalty would be efficacious in accomplishing its object? The Government of Fiji was not only founded on the slave trade system, but was carrying on a traffic which, if carried on in Arab dhows, would be slave dealing, but which, being conducted through British ships, was called labour traffic. With respect to domestic slavery, last year Thakombau, with the assistance of the White settlers, had surrounded and made prisoners of the whole of the Livoni tribe, whom he afterwards disposed of to different planters. His informant had purchased the labour of men of that tribe for £3 for five years, £3 10s. for women, and 30s. for children. So much on the subject of slavery. There were strong reasons for connecting the former Fiji Government with this traffic. It was impossible for the present Government to properly regulate it, as it was not strong enough to do so, and consequently it could not insist on the men being returned to their homes after their term of service had expired. The land in Fiji was also disposed of in a most unsatisfactory way, and he had instances before him in which Members of the Government had played into each other's hands in making the grants, coolly disposing of them in fee simple—a tenure unknown to barbarous nations. If the British nation were to protect the rights of those unfortunate islanders, the only thing to do would be to establish some strong restrictive Government amongst those lawless Whites, otherwise, he believed that the tragedies of New Zealand would be repeated in Fiji. He desired to say, however, that he had not alluded in any way to the regulated coloured traffic which was carried on in Queensland; and in conclusion he hoped that the exertions of Consul March would be so recognized by Her Majesty's Government as to prevent the Fijians from believing that his removal was connected with the displeasure of the Home Government at his conduct.

MR. EASTWICK thought that the proposal of the Government ought not to be accepted; but before referring to that he wished first to speak of the services of Mr. March. He must remind the House that that gentleman was a most distinguished officer before he went to Fiji. He had, when Vice Consul at

St. Sebastian, in 1867, performed one of the most gallant exploits ever recorded in saving life at sea. On the night of the 7th of December in that year the French ship *Nouveau Caboteur* was cast on shore in the Bay of Zurriola during a frightful tempest. The sea was running so high that no one would venture to attempt to swim to the vessel, whereupon Mr. March plunged in alone and brought a rope from the ship to the shore, by which the crew were saved. One of them, however, a lad, lost his hold, fell into the sea, and sank; whereupon Mr. March, though benumbed with cold and exhausted with his former efforts, again plunged in, dived, and succeeded in bringing the boy to land. For this noble exploit he received the Albert Medal of the First Class, the French Imperial Gold Medal *de Sauvetage*, and the Humane Society's Medal of the First Class. In his endeavours to put down the slave trade at Fiji, his life was more than once exposed to imminent danger, inasmuch that the respectable inhabitants of Levuka enrolled themselves in a Volunteer rifle corps to protect him. The life of his child also was attempted by a ruffian, who hurled a huge stone at it, but luckily missed. The same ruffian, encouraged by the support of the so-called Government at Levuka, actually spat in the face of the Consul in public; and received for that brutal outrage at the hands of Consul March the chastisement he deserved. And now, after doing so much to stop the traffic in slaves, Mr. March had been removed in the midst of his useful career. That was a most impolitic step, and the source of triumph and gratification to all the dealers in slaves. It was said by our Government to be done with kind intentions to Mr. March; but the first result was a frightful calamity to him, for both his wife and child had died on their way home. It was, indeed, a strange kindness to remove a deserving officer and send him to a pestilential climate, where his last predecessor but one, Mr. Hemans, had not long since died. He trusted the Government would revise their kind intentions, and bestow on Mr. March a post more suited to his merit. He would come now to the proposal of the Prime Minister, which was simply one for further inquiry. But there had been sufficient inquiry already, and what was wanted now was not in-

*Admiral Erskine*

quiry but action. Mr. Pritchard, our first Consul at Levuka, came to England in February, 1859, with a proposal from Thakombau, who called himself King of Fiji, with a proposal to cede the whole group to Her Majesty. In 1860, Colonel Smythe, R.A., was sent out to make inquiry respecting this proposal. He found that Thakombau was only one of the principal Chiefs, and not really King of the group; but that the other Chiefs were also desirous of becoming subjects of the British Crown. Colonel Smythe reported against accepting the cession; but the reasons he gave for this course were so insufficient, so puerile in fact, that they were evidently a mere cloak to conceal the real reason. That reason was that the cession involved a payment of \$45,000 to the United States, which it was not in accordance with the dignity of the British Government to make. The claim for this payment arose in 1847, when the United States Consul in giving a salute set fire to the thatch of his house, which was burned to the ground. The natives, under pretence of rendering assistance, carried off some of the Consul's things, worth probably less than £200; but the claim was gradually magnified to \$45,000, and Thakombau was so alarmed by the menaces of the United States Government, that he offered to cede the islands to the English provided they would pay the money for him. This would have been inadvisable, and no doubt Colonel Smythe was right in declining to recommend such a step. But things were now altered, and the cession no longer involved disagreeable consequences. It had also become more requisite to assume the government of the group, as in no other way could the objectionable Government which had been set up by Thakombau be put an end to. He trusted, therefore, that the hon. Member for Lambeth would not accept the proposal for inquiry, but take the opinion of the House upon it.

MR. KINNAIRD also considered that the time for further inquiry had passed, and for this reason, that Her Majesty's Government had urged the Government of Australia to do the very thing which they were now themselves asked to do. The Government ought not, he thought, to leave this duty to any Colonial Government, but to do it themselves. If his hon. Friend the Member for Lambeth (Mr. M'Arthur) pressed his Motion

to a Division, he should certainly support him.

MR. GOSCHEN said, the Government had not, as the hon. Gentleman who had just sat down alleged, discouraged the Australian colonies in their wish to put down the slave trade.

MR. KINNAIRD: I stated quite the contrary, and that the Government had sought to throw upon the colonies a duty which it ought to undertake itself.

MR. GOSCHEN said, that the House was not in possession of the expression on the part of the Fijian Chiefs or the White residents of their desire to be annexed, and that the document before them emanated from the Government, the authority of which hon. Members disputed. He agreed that nothing could be worse than to allow the present state of things in Fiji to continue. Either it would be necessary to have some distinct understanding with the authorities there, that a state of things which was perfectly intolerable should be put an end to; or that other steps should be taken; but the Government felt that if they desired at that moment that annexation should take place, they had not the slightest information before them as to the disposition of the Fijians, or as to the terms upon which they would consent to be annexed. He hoped the House would agree, therefore, that further information was necessary, and in the meantime they were not indifferent to the state of things which existed, but were taking the best measures they could to deal with it on the spot by their own agents.

SIR JAMES ELPHINSTONE expressed his surprise at the defence which the Prime Minister had offered of a Government, which consisted of a set of the most unmitigated ruffians in the world.

VISCOUNT ENFIELD, on the part of the Foreign Office, begged to corroborate all that had been said in favour of Consul March, and to assure the House on behalf of his noble Friend (Lord Granville), that in transferring Mr. March from Fiji to another position, he did not mean to reflect, in the slightest degree, on the professional services which that gentleman had rendered during the time he held the Consulate of Fiji.

Question put.

The House divided:—Ayes 86; Noes 50: Majority 36.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—considered in Committee.

House resumed.

Committee report Progress; to sit again upon Monday next.

THE TICHBORNE CASE—  
THE QUEEN v. CASTRO, *alias* TICHBORNE.  
MOTION FOR CORRESPONDENCE AND A  
RETURN.

MR. WHALLEY, who had given Notice to move—

"That in the case of 'The Queen v. Castro, *alias* Tichborne,' 'Copies be produced of the Application to the Lords of the Treasury for aid to the Defendant, and of the Reply thereto; of the Correspondence between Mr. Whalley, M.P., and the Solicitor to the Treasury on the subject of the said prosecution; and for a Return of the sums allowed by the Treasury in respect of Fees to Counsel and other expenses incurred by prisoners in Ireland during the last ten years,'" said, he would avail himself of that opportunity to ask the right hon. Gentleman the Home Secretary a Question of which he had given him private Notice. He could not give Notice on the Paper, because it arose out of a communication which had been made to him since the House met. The right hon. Gentleman had informed him, that he should oppose the Motion which stood on the Paper, and he knew it was hopeless to expect that against such opposition, he should succeed in obtaining the Returns. The Tichborne prosecution had now proceeded for near 40 days, and it was stated in the report of the proceedings, that the evidence against the defendant would probably occupy the Court for at least three weeks to come. That prosecution was carried on upon the sole responsibility and management of the right hon. Gentleman as he had himself informed Parliament; and whatever else might be in doubt, it was certain that the public expenditure was something enormous, more probably than the cost of all the other public prosecutions for an entire year. Now, he desired to know on what grounds it was that the right hon. Gentleman considered himself justified in subjecting the country to this enormous outlay. The right hon.

Gentleman was, no doubt, well satisfied that the defendant was not the person he had sworn himself to be, and that he was guilty of the offence of perjury for which he was at present under trial. If anyone should entertain a contrary opinion, whether derived from his own personal knowledge, or from reading the report of the proceedings, he was not at liberty to give public expression to it; the most flagrant of all the forms in which the Court discovered that it was treated with contempt having been declared by the Judges to be the statement of his hon. Friend the Member for Guildford (Mr. Onslow); that he believed, in spite of the evidence, that the defendant was not guilty. Now, he asked, if that was so, what was the reason for that interminable calling of witnesses? What was the reason for bringing witnesses, at a cost of £500 a-piece, from the end of the earth, when they found in the tattoo marks, and the evidence of officers and others, conclusive testimony that the defendant was not Tichborne? He considered he was entitled to demand, on the part of the public, at whose cost this extraordinary trial was then going on?

THE CHANCELLOR OF THE EXCHEQUER rose to Order. He submitted that it was a most improper proceeding to criticize matters connected with a trial then going on.

MR. SPEAKER: The hon. Gentleman is certainly out of Order, in discussing proceedings that are at this time *sub judice*.

MR. WHALLEY said, he would, after that ruling, discuss the conduct of Her Majesty's Government and the prosecution. He had often asked before, on what ground it was that the Government, if they found it necessary in the first place to take up the prosecution in relief of the parties directly injured by this imposition, and who could and ought to have exposed and punished it within a month of the man's appearance in this country—if he were an impostor—why, he repeated, having so taken it up, should they ransack the whole world for circumstantial and secondary evidence, when the Judge of the Common Pleas and the jury at whose instance they did not take it up, were satisfied with the half-dozen witnesses who spoke to the tattoo marks? Now, the Government, though repeatedly asked, had never

given the slightest information on that point, and he considered that every day the trial proceeded justified any Member of that House in demanding again and again such explanation. He now came, however, to the question that still more urgently demanded attention and reply. He had on several occasions urged upon Government the necessity of satisfying the public that the defendant would have a fair trial, and that that could not be unless he was enabled to bring forward such evidence as he might have to offer in his defence, and in support of that appeal he had again placed on the Paper Notice of Motion for certain Returns which bore upon the statements of the right hon. Gentleman and of his Department as to the practice of the Government in respect of the provision for the cost of witnesses, &c., to persons in the position of the defendant.

MR. SPEAKER: I have again to explain to the hon. Gentleman, that it is entirely out of Order to discuss the proceedings of a trial now at issue in the Court of Queen's Bench.

MR. WHALLEY: If the Government were advised that the guilt of the defendant was as clear as those witnesses declared it to be, what need existed for all that vast expenditure, and such prolongation of the trial as deranged the administration of justice and was a scandal and a discredit to our judicial procedure? And if the right hon. Gentleman should reply to that, that it was necessary, in order to meet and anticipate the case which the defendant might be enabled to set up in reply, he asked whether every day and every hour and every witness that was called against him, did not strengthen the appeal that he should not be deprived—as he had been by the past course of proceedings, and was more and more so by every hour his trial was prolonged—of the means of offering such defence. The right hon. Gentleman knew, or might know, that above 500 witnesses had already declared on oath that he was Tichborne, but not one of them could be brought before the Court and jury unless he had money for that purpose, and he had none, and the Papers that he had asked to be laid on the Table of that House, and which the right hon. Gentleman refused to produce, went to establish the fact that the Government did know that he had material evidence to bring forward,

and that he could not do so in consequence of the course which they had taken against him without precedent, as the right hon. Gentleman had admitted, in its hardship, practical injustice, and cruelty. For that purpose, he repeated, he ventured to put on the Paper a Motion for the Return of expenses voted for murderers and traitors in Ireland—deeper-dyed criminals than the Claimant was alleged to be. Was it without precedent that the public money should be granted for the defence of persons in the position of the Claimant? The hon. Member concluded by moving for the Copies of Correspondence referred to in his Notice.

MR. GLADSTONE rose to Order. The hon. Gentleman was not now criticizing the proceedings of the Government but the conduct of a trial not yet finished.

MR. BRUCE said, he would briefly explain why he refused the Returns. In Ireland, in capital cases, it had been the practice for the Government to provide counsel for the prisoners and pay them; but that had never been done in this country.

MR. SPEAKER here interrupted the right hon. Gentleman, and called attention to the fact that the hon. Member for Peterborough had concluded his address with an inquiry whether a Return would be granted for which he had given Notice that he would move. It was irregular thus to anticipate under cover of a Question on going into Committee of Supply, the discussion of a Motion which was set down for future consideration.

#### Motion agreed to.

Copies ordered, "of the Application to the Lords of the Treasury for aid to the Defendant in the case of Queen v. Castro alias Tichborne, and of the Reply thereto."

"And, of the Correspondence between Mr. Whalley, M.P., and the Solicitor to the Treasury, on the subject of the said prosecution."—(Mr. Whalley.)

#### BUILDING SOCIETIES (NO. 3) BILL.

On Motion of MR. WINTERBOTHAM, Bill to regulate Building Societies, ordered to be brought in by MR. WINTERBOTHAM and Mr. Secretary BRUCE.

House adjourned at a quarter after One o'clock, till Monday next.



## HOUSE OF LORDS,

Monday, 16th June, 1873.

MINUTES.]—PUBLIC BILLS—*Committee*—*Sites* for Places of Religious Worship (*re-comm.*) \* (128-159).

*Committee*—*Report*—Municipal Corporations Evidence \* (129); Railways Provisional Certificate \* (111).

*Report*—Vagrants Law Amendment \* (130); Fairs \* (131).

*Third Reading*—Metropolitan Tramways Provisional Orders (No. 2) \* (114); County Authorities (Loans) \* (124); Game Birds (Ireland) \* (127), and *passed*.

*Royal Assent*—Consolidated Fund (£12,000,000) [36 *Vict.* c. 26]; Customs Duties (Sale of Man [36 *Vict.* c. 29]; East India Loan [36 *Vict.* c. 32]; Marriages Legalization, St. John's Chapel, Eton [36 *Vict.* c. 28]; Matrimonial Causes Acts Amendment [36 *Vict.* c. 31]; Juries (Ireland) [36 *Vict.* c. 27]; Registration (Ireland) [36 *Vict.* c. 30]; Local Government Board (Ireland) Provisional Order Confirmation [36 *Vict.* c. lxi]; Oyster and Mussel Fisheries Order Confirmation [36 *Vict.* c. lxii]; Pier and Harbour Orders Confirmation [36 *Vict.* c. lxiii].

PETITION OF LEONARD EDMUNDS,  
ESQUIRE.

LORD REDESDALE, in rising to move—

"That the petition of Leonard Edmunds, esquire, presented on the 26th day of May last, be referred to the Comptroller and Auditor General, with directions to him to examine the several accounts mentioned therein, and any other accounts which may be submitted to him relating to the matters set forth in such petition, and to report thereon to the House,"

said, that he had been induced to call their Lordships' attention to the case of Mr. Edmunds, because he considered that without the examination he proposed it would remain for ever doubtful as to whether their Lordships had acted justly towards Mr. Edmunds. He was certain that every one of their Lordships would admit that it would not be honourable or fair on their parts if they did not act with full and perfect justice towards a gentleman who had for so many years held an official position in their Lordships' House. The subject ought not to be considered as a party question. For himself, he could truly say that he had taken no steps in the matter that could indicate that his desire was to make it a party question.

He had not asked for a single vote from any noble Lord, and only wished that the House would deal with Mr. Edmunds as one gentleman ought to deal with another. ["Hear, hear!"] He was glad to hear that expression from the opposite side of the House, as it was an assurance that the question would not be regarded in that quarter as a party question. In order to make the matter intelligible to their Lordships, he would just state as briefly as he could the facts of the case, which were as follows:—Mr. Edmunds had passed 34 years and upwards in the public service, for 17 of which he was Reading Clerk and Clerk of Out-door Committees to their Lordships, and he was appointed to the office of Clerk of the Patents by the Crown on the 23rd of August, 1833, holding the office until the 29th of July, 1864; and during those 31 years no less a sum than £1,516,888 passed through his hands, of which there was no audit whatever in reference to the items involved in that large sum. He might here observe that so satisfied were their Lordships with Mr. Edmunds' conduct as Clerk in their Lordships' House that, on his resigning the appointment in 1865, the usual acknowledgment of it was made by the House, and a pension was granted to that gentleman. Soon after doubts arose as to the propriety of granting that pension, in consequence of certain transactions in connection with Mr. Edmunds' conduct as Clerk of the Patents. Considering the length of time that Mr. Edmunds held the office of Clerk of the Patents, and the large sum of money that had passed through his hands of which there was no audit, it was not surprising that some complications might arise. But that was no reason why there should not be a full inquiry into the whole matter. The result, however, was that an inquiry was ordered by the Treasury, upon whose finding certain Reports were consequently drawn up. And here he might say, in passing, that he did not think that Mr. Edmunds had managed his case well; he had not exercised due judgment, which, however, might happen to any one of their Lordships if they had to conduct a case in which they were personally concerned. It was then determined by their Lordships to appoint a Committee, though he (Lord Redesdale) objected to the unfairness of

examining a man who might be prosecuted for a criminal offence, and who was not allowed counsel or to examine witnesses. The inquiry took place, and all the evidence brought forward consisted of the Reports prepared by the Treasury with regard to the accounts. The Report of the Committee went against Mr. Edmunds, and he appeared in Court on the charge of misappropriation of public moneys, where he failed, from the vastness and complexity of the accounts, and the length of time over which they ranged, coupled with the fact that as little indulgence as possible was afforded him, in satisfying the Committee of his want of culpability in the matter. The order for his pension was rescinded; and not only so, but their Lordships refused his request to be heard at the Bar of the House before judgment should be given against him. That was a hard measure on the part of their Lordships' House, for now Mr. Edmunds' character was destroyed, his pension had been taken from him, he had been subjected to proceedings which had brought him almost to ruin, and now he came to the House in his old age, praying for a statutory audit of his accounts. He (Lord Redesdale) contended that the inquiry which that gentleman asked for was necessary, if their Lordships desired that the case should be fully investigated. He urged that Mr. Edmunds had been obliged to accede to arbitration, and the result was that the accounts were never properly examined. It seemed to him that the question lay between the House of Lords and Mr. Edmunds, and that the House of Lords having granted and then taken away the pension, it was only right that Mr. Edmunds should be allowed full opportunity of clearing up anything in connection with the matter that might be in doubt. In 1868 the case was tried before the late Lord Justice Giffard, Mr. Edmunds having previously submitted his accounts to a public accountant, and laid a statement with regard to them before the Court of Chancery. In his judgment, Lord Justice Giffard stated that the defendant's evidence had removed any imputations that could be justly or fairly cast upon his character, his liability having arisen from a mistake under difficult circumstances, partly due to the refusal of the audit he had asked for; and that, hav-

ing regard to all the circumstances, the very difficult position in which he was placed, and the fact of the audit being refused, he certainly should not make the defendant pay any costs. Surely their Lordships would not deny Mr. Edmunds the opportunity of again bringing forward that evidence, so that the truth might be ascertained. The matter, however, did not rest there. At the instance of the Government it went to arbitration, Mr. Edmunds at first declining it, and, after having been persuaded to agree to it, vainly trying to get out of it. He believed that had the arbitration resulted in Mr. Edmunds' favour, the House of Commons would very probably have refused to vote the money awarded him until the accounts had been submitted to the statutory audit; and he contended that the Government, instead of proposing arbitration ought to have submitted the accounts to the audit prescribed by the Act passed the year after the Report of their Lordships' Committee. As to the arbitrators' award, it was based entirely on the Treasury Reports, no audit being entered into. If their Lordships were to determine to reject this Motion, they would be laying down the principle that it was not necessary to have accounts like these submitted to audit. For those reasons, he did hope their Lordships would be prepared to do Mr. Edmunds that justice which he asked at their hands. The case was this—They had granted him a pension for his services in that House, and they subsequently took it away from him because of certain charges which had been brought against him. Now, these charges were involved in the question of audit of those accounts, and unless those accounts were audited in the manner he proposed, their Lordships could not come to the conclusion that they had not done him an injustice. The objection to re-opening the matter he would meet by urging that the arbitration did not fully bring out the merits of the case, and that failing the statutory audit now asked for by Mr. Edmunds, the House could not be satisfied that they had shown justice towards a gentleman who long served them with satisfaction and fidelity. He could not see what possible objection could be urged against the Motion, or who could oppose it, unless those who, having

already made up their mind on the subject, were afraid that something in favour of Mr. Edmunds might come out upon the inquiry. Mr. Edmunds had been singularly unfortunate, for he had been defeated in every attempt which he made to have this matter put to rights, but always on some technical objection, for the Court of Queen's Bench, when refusing him the *mandamus* for which he applied in the matter said, that while he had no legal right to call upon the Comptroller and Accountant General to audit the accounts, yet, as a public officer, he had a moral right to such an audit; and Mr. Justice Blackburn said Mr. Edmunds had a moral grievance if the Treasury had refused it on insufficient grounds, but held that the remedy would lie in shaming the Government by the voice of public opinion or of Parliament. He would, therefore, urge that their Lordships were bound to inquire whether the pension had been withdrawn on proper grounds, and that Mr. Edmunds was entitled to a statutory audit, to determine whether he had acted properly or not. That being so, if their Lordships did not take steps to come to a just and sound conclusion on that matter, they would not be doing that which was consistent with the feelings of gentlemen. He (Lord Redesdale) trusted their Lordships would accede to the proposition he was about to make.

*Moved*, That the petition of Leonard Edmunds, esquire, presented on the 26th day of May last, be referred to the Comptroller and Auditor General, with directions to him to examine the several accounts mentioned therein, and any other accounts which may be submitted to him relating to the matters set forth in such petition, and to report thereon to the House.—(The Lord Redesdale.)

THE LORD CHANCELLOR said, he felt bound to state reasons which, he hoped, would satisfy their Lordships that they should not agree to the Motion of the noble Lord the Chairman of Committees. The noble Lord had said that he did not bring the matter forward as a party question. He (the Lord Chancellor) should be sorry to see the time come when a matter like that could be treated as a party question. It was a personal matter to a great extent, but it certainly involved also public considerations of great importance, and the principles of sound government; and

jurisprudence, in which all shades of politicians might well take an interest, irrespective of party. The noble Lord had moved—

"That the petition of Leonard Edmunds, esquire, presented on the 26th day of May last, be referred to the Comptroller and Auditor General, with directions to him to examine the several accounts mentioned therein, and any other accounts which may be submitted to him relating to the matter set forth in such petition, and to report thereon to the House."

He (the Lord Chancellor) was puzzled to know in what capacity their Lordships were to adopt the Motion—whether in their judicial capacity of which the noble Lord was so earnest a champion; or in their legislative capacity as one of the two Houses of Parliament; or in some other capacity with which he was not at present acquainted, it was hard to say. They could not of their own vote alter the Act of Parliament, which clearly laid down the duties of the Comptroller and Auditor General; and from a careful perusal of it, he could say neither their Lordships nor any one else except the Treasury had the power to refer to him any accounts to be audited. The Treasury, however, might, if they thought fit in their discretion, require an audit of any public accounts. Mr. Edmunds applied to the Court of Queen's Bench to give directions that his alleged accounts should be audited; but the Court decided it had no power to do so, because the Act had given that power and authority to the Treasury only. In point of fact, there were no accounts of Mr. Edmunds to be examined into, the whole matter having been disposed of by competent tribunals. The course adopted by the noble Lord last Session when he proposed an Address to the Crown, praying for such an inquiry as that which he now asked for, was not, in point of form, open to the same exception with the present Motion; and, as the form of the present Motion might be altered, if the substantial object proposed by it were right, it would now be proper to consider the substance of the case. The noble Lord, in introducing the subject, seemed to depend entirely upon the statements of Mr. Edmunds, and based much of what he said on the proceedings in the Court of Queen's Bench; but that Court itself could not, and did not, profess to know anything of the facts of the case, except as they

happened to be then represented to them by Mr. Edmunds. What the Lord Chief Justice and Mr. Justice Blackburn said was, that an accountant to the Crown, having unsettled accounts, which he wished to get audited and passed, ought to have the means of doing so, and of thereby obtaining his quietus. To that proposition, no exception could be taken by anybody. But, in Mr. Edmunds' case, there were, in fact, no unsettled accounts to be passed; and there was not a single word in the Act of Parliament which empowered the House or the Treasury, or the Auditor General to do what was proposed. Nothing could be a greater mistake than to suppose that Mr. Edmunds was then an accountant to the Crown, or had any account whatever to pass or to render. Upon that point, he would shortly explain how the facts really stood to their Lordships. Mr. Edmunds' own statement was, that he was from 1833 to 1864 a principal public accountant to the Crown, or otherwise accountable, within the meaning of the Exchequer and Audit Act of 1866. He admitted, and the fact was incontrovertible, that the employment and receipt, in respect of which he alleged himself to be so accountable, terminated in 1864. At that time, there was no provision made by law for any audit by any public authority, of the accounts of the office held by Mr. Edmunds. But there was another method of passing and settling those accounts, more conclusive than any audit—namely, by having them taken, either in the Court of Exchequer or in the Court of Chancery. This method the Crown determined to adopt; and, accordingly, in May, 1866, more than a month before the Exchequer and Audit Act of 1866, received the Royal Assent, and nearly a year before that Act came into operation the Attorney General filed an Information in Chancery, for the express purpose of taking the whole of Mr. Edmunds' accounts; asking, at the same time, for declarations from the Court as to the principles on which those accounts should be taken with reference to certain disputed points. This Information Mr. Edmunds resisted. He denied his liability to account to the Crown at all in Chancery; he asked that the Information should be dismissed. That point, however, was decided against him at the hearing—as were all the other disputed points—by Vice Chan-

cellor Giffard, who expressly said—"A decree for an account in this Court would, beyond all question, be a complete discharge." That decree was accordingly made: that complete discharge, subject only to his paying what might be found by the result of the account to be due from him, Mr. Edmunds—although against his will—obtained. The whole account was ordered to be regularly taken in the Court of Chancery; and it would have been so taken, if Mr. Edmunds had not himself preferred that it should be done by arbitrators rather than by the Court. The only effect of that substitution of arbitrators was, that their award took the place, by the consent of both parties, of a final judgment by the Court. It was equally binding and conclusive in law; it was an equally complete discharge to Mr. Edmunds, provided only that he paid the money found due from him. It put at end, once and for ever, to the former position of Mr. Edmunds, as an Accountant to the Crown; there was afterwards no further or continuing account, which could, by any possibility, be audited. To suppose that what might have been done under the decree in Chancery, or what was done by means of the arbitration, ought to have been, or could have been, done by a public audit under the Exchequer and Audit Act of 1866 was a complete mistake. Not only was the suit in Chancery already pending when that Act passed and came into operation—not only was there nothing in that Act which could possibly deprive the Crown of the right to continue the prosecution of that suit—but the powers and duties of the Auditor General, under that Act, were wholly inadequate to the decision of the questions raised in the suit between Mr. Edmunds and the Crown. The Auditor General was not a Judge with the authority of a Court of Law; he could only pass, or refuse to pass, any accounts which might be laid before him. If he passed them, the debtor obtained his quietus; if he refused to pass them, the debtor did not get his quietus; but he would not be bound by law to submit to any disallowance, or surcharge, which the Auditor General might have thought it his duty to make, and the Crown, notwithstanding any opinion on such points which the Auditor General might have formed or expressed, would still be obliged to go into a Court of Law or Equity

to enforce its rights against the defaulting accountant. One, at all events, of the most important questions raised in the suit, and that on which the largest claim of the Crown against Mr. Edmunds was eventually established by the award—the question of Mr. Edmunds's liability for profits made by him by discounts on stamps purchased with public money—could never have been raised at all in the ordinary course of an audit of those accounts. Mr. Edmunds, however, seemed to have succeeded in persuading the noble Lord that he was aggrieved by the proceedings of the Arbitrators, and that the award itself ought to be treated as a nullity. The noble Lord had, apparently, been content to take his law, as well as his facts from Mr. Edmunds; but he could assure the noble Lord that if their Lordships were to allow themselves to be made a Court of Appeal for suitors against whom awards had been made, they would find there were disappointed suitors without number who, after awards or decrees were made against them, would make representations, quite as plausible, and as probable as any now made by Mr. Edmunds, as to the circumstances under which they had failed in their suits; so that, if their Lordships were to permit themselves to be constituted in those matters Courts of Appeal for the redress of such supposed grievances, they would soon have plenty to do. As for the conduct of the arbitration, he knew that the two gentlemen chosen—the present Baron Pollock by Mr. Edmunds himself, and the present Mr. Justice Denman by the Treasury—were as honourable, able, and experienced lawyers as could have been selected, while the Umpire they named, Mr. Manisty, was also an able lawyer. There was no foundation whatever for Mr. Edmunds' notion, that it was not competent for the Crown when it filed the information and obtained the decree to take an account afterwards to refer it to arbitration. It was as competent for the Crown to refer the matter to arbitration, as it was for any other person to adopt such a course under similar circumstances; and, in fact, as he had said before, it was not the Crown but Mr. Edmunds who wished the matter to be referred to arbitration. The reference was made a Rule of Court, and when the award was made, no attempt was made to set it aside; and yet they were asked to

give credit to the statement, that the Arbitrators rejected valid evidence, and that they had failed in their duty. That was precisely the sort of thing disappointed suitors always said. It was not the habit of Courts of Justice to listen to such after-assertions, and, except he mistook their Lordships very much it would not become a habit of theirs. The decision of the Arbitrators was as binding in law as any judgment pronounced in their Lordships' House. There were no longer any accounts to be audited or passed, and Mr. Edmunds had got his quietus, which resulted in his ascertained liability to the Crown in a large sum of money. He was no longer an accountant, he was a judgment-debtor, to the Crown. With respect to the merits of the case, he did not wish to press upon Mr. Edmunds with any undue harshness; but he was compelled to remind their Lordships that the case had been three times investigated, and always with the same result. First, by Messrs. Greenwood and Hindmarch, to whom the accounts between Mr. Edmunds and the Crown were referred by Lord Westbury and the Treasury in 1864, two very honourable and very competent Gentlemen, of whom no one could say that they had any personal motives for doing injustice to Mr. Edmunds. They investigated the matter and reported that a very large sum was due from him to the Government. Upon the footing of their Report, in October, 1864, Mr. Edmunds voluntarily paid £7,872 as due from him to the Crown, of public money that had not been previously accounted for by him. That sum was paid by him, and received by the Treasury, without prejudice, on either side, to the question, whether he was or was not under any further liability. Messrs. Greenwood and Hindmarch considered that there were further claims, of large amount; and the matter was not suffered, by either House of Parliament, to rest without further inquiry. In 1865, a Committee of their Lordship's House, including men so eminent, so just and honourable, as the Duke of Somerset, the late Lord Derby, the late Lord Clarendon, the Duke of Montrose, Lord Malmesbury, Lord Chelmsford, and Lord Taunton, examined the whole matter most carefully and impartially. They took the evidence of Mr. Edmunds himself, during the whole or part of five days; they heard every-

thing which he had to say in his own justification; and their Report, so far as the matters in question between Mr. Edmunds and the Crown were concerned, was unanimous. As to the principal charges against him — on which the claims afterwards established by the award of the Arbitrators depended — their findings were these—

"The first charge," they said, "is for having between the 23rd day of August, 1853, and the present time, in concert and combination with Thomas Ruscoe, improperly caused to be obtained and applied partly to his own use and partly to the use of the said Thomas Ruscoe, allowances of discounts to a large amount upon the prices of stamps purchased from Her Majesty's Stamp Office, for use in Her Majesty's Patent Office, such stamps having been purchased with public monies, for which he or the said Thomas Ruscoe to his knowledge was accountable to Her Majesty."

"The discovery of the fact of Mr. Edmunds having obtained these discounts seems to have been one of 'the more serious matters relating to the conduct of Mr. Edmunds,' to use the language of the Preliminary Report, to which the attention of Messrs. Greenwood and Hindmarch was unexpectedly drawn during the early part of their inquiry. They express their opinion 'that the taking discounts on stamps, by a public officer, is a novel practice, introduced by Mr. Edmunds into the Patent Office.' The practice itself, however, seems from the evidence of the Master of the Rolls not to be so novel as Messrs. Greenwood and Hindmarch suppose; his Honour said—'There is great difficulty upon the whole question of discounts. Even now, upon applying to the Stamp Office with respect to the mode of paying for the stamps upon Patents, I understand that the Stamp Office say that the better way is to allow one of the officers in the department to take the discounts.' And Mr. Greenwood in his reply to Mr. Edmunds's statement says—'No such practice—of taking discounts on stamps—was objected to by us; what we objected to was the practice of buying stamps at wholesale prices with the public money, and putting the profit into the private pocket of a public salaried officer.'

"In considering this charge it is necessary, therefore, to distinguish that part of it which depends upon the mere fact of taking the discounts, from that which relates to the alleged application by Mr. Edmunds of public money to this purpose."

They then proceeded to observe upon the results of the evidence, including the statements and admissions of Mr. Edmunds himself, concluding with the declaration of their opinion—

"That so much of the first charge as relates to the purchase with public monies of stamps upon which allowances of discounts were obtained by Mr. Edmunds is fully established by the evidence."

Then they said—

"The second charge preferred against Mr. Edmunds is, 'for having improperly retained in his hands, or under his control, between the 9th August, 1852, and the month of July, 1864, without duly paying the same over into Her Majesty's Exchequer, divers large sums of money received by him for fees on Patents, which ought to have been from time to time paid by him into Her Majesty's Exchequer. Very little need be said on this head of charge, because it is distinctly admitted by Mr. Edmunds, that the last payment which he made to the Exchequer before the inquiry by Messrs. Greenwood and Hindmarch was of a sum of £1,722 1s. on the 9th August 1852. He says that 'by accident, certainly not by design, he, unfortunately, within the year 1853, did not pay over any sum to the Consolidated Fund. Finding that out in the following year,—in what may be called the most absurd cowardice,—he intermitted and made no subsequent payments.' It is difficult to understand how the nonpayment could have arisen in the first instance by accident. On the 14th May 1834 the Treasury, on receipt of a letter from Mr. Edmunds of the 28th April preceding, sent him the form of an affidavit prescribed for all the officers of the courts of law, by whom accounts of the receipt of fees are rendered, and requiring his affidavits to be made in that form. Mr. Edmunds says he is quite certain he never received any such order, and yet, the very next payment which he made after the date of the Treasury letter in August 1834 was verified by affidavit in the form thus prescribed by the Treasury, and the affidavit with the account was transmitted to the Treasury and there filed. From that time no affidavits were sworn by Mr. Edmunds, but forms of affidavits were prepared quarterly by Ruscoe and delivered to him; and during the time that he continued to make his payments to the Exchequer, he endorsed upon them the sums to be paid. From the time that he suspended his payments he appears to have paid no attention to the affidavits, although they were regularly delivered to him. The delivery of the affidavits to Mr. Edmunds is distinctly shown in the Preliminary Report of Messrs. Greenwood and Hindmarch, which states that they, having prepared an account of sums payable to the Consolidated Fund in each of the years beginning at 1852 and ending in 1864, Mr. Edmunds 'admitted the account to be correct, and that Mr. Ruscoe sent to him a formal account and affidavit to be sworn as directed by the Statute 3 and 4 W. 4. c. 84. in respect of each of the items.'

"There can be no doubt, under the above circumstances, that the second charge is fully proved against Mr. Edmunds.

"It might have been considered as some mitigation of the serious misconduct on the part of Mr. Edmunds, if the fact had been that the money paid into the Patent Office account had remained untouched, though unaccounted for, during so many years; but that this was not the case will appear in considering the third charge, to which the Committee now proceed."

"The third charge is 'For having from time to time improperly caused to be transferred to the credit of his private account with Messrs. Coutts and Co., bankers, from a 'separate account kept by him with the same bankers for

the public purposes of Her Majesty's Patent Office, and having applied to his own use divers sums of public money for which he was accountable to Her Majesty."

As to this, after a short statement of the facts, the Committee said, that they "cannot hesitate to come to the conclusion that the third point is completely established against Mr. Edmunds." On all these points the subsequent conclusions of the arbitrators were in entire agreement with those of Messrs. Greenwood and Hindmarch, and of the Committee of their Lordships' House. And on the only point—that as to the allowance of the cost of parchments—on which their Lordships' Committee, in accordance with the later opinion of Vice Chancellor Giffard, held that Mr. Edmunds might have a moral claim to be exonerated from a legal liability, the arbitrators gave him the full benefit of that opinion; being, in substance, and in the practical result, exonerated from that portion of the claim by their award. Nevertheless, the sum found due from him by the Arbitrators, under the first head of charge—that of profits made by discounts on stamps purchased with public money—exceeded £5,000; making, with the £7,872 already paid by him in October, 1864, a total liability to the public, established against him—in round numbers—of £13,000. As to the representations made by Mr. Edmunds concerning the manner in which the Arbitrators discharged their duty, he could not do better than refer their Lordships to the statements made in this House by Lord Hatherley, when the same subject was brought before the House last year by the noble Lord, the Chairman of Committees. His noble and learned Friend then stated, that the Arbitrators, at the desire of Mr. Edmunds, held public sittings; that their inquiry occupied many days; that they had heard able counsel on the part of Mr. Edmunds; and that, nevertheless, they were unanimous in their decisions—one of them having been nominated by Mr. Edmunds himself, and both of them being now Judges held in universal esteem—without any necessity for the intervention of their Umpire. Their Lordships would be able now to appreciate the probability of the statement—that these Arbitrators refused to receive any evidence which ought to have been admitted, and that

*The Lord Chancellor*

they did not give Mr. Edmunds the opportunity of properly proving his case. There remained only one other subject on which a few words of explanation might still be necessary; namely, the opinion expressed by Vice Chancellor Giffard—when deciding the questions of principle raised between the Crown and Mr. Edmunds in the Chancery suit adversely to Mr. Edmunds—that the character of that gentleman had been cleared from all imputation. He (the Lord Chancellor) should have been perfectly content to leave Mr. Edmunds in possession of any advantage which he might derive from what passed upon that occasion, if Mr. Edmunds himself had not insisted on having all these matters raked up. But since those remarks of Vice Chancellor Giffard were so constantly referred to, it became necessary for him (the Lord Chancellor), having been Attorney General when the information in Chancery was filed, and having also been one of the counsel for the Crown before the Vice Chancellor, to explain to the House under what circumstances those remarks were really made. The noble Lord the Chairman of Committees assumed, and he had repeated more than once in the course of his speech, that the Vice Chancellor then had before him all the materials necessary for a final judgment, including the evidence taken by Messrs. Greenwood and Hindmarch, and the Reports of those gentlemen. No doubt the noble Lord had been led, by Mr. Edmunds' statements, to believe that this must have been the case. Nothing, however, could be more remote from the truth. Neither the Reports of Messrs. Greenwood and Hindmarch, nor that of the Committee of their Lordships' House, nor any part of the evidence taken before Messrs. Greenwood and Hindmarch, or before their Lordships' Committee, was, or could have been, offered in evidence before the Vice Chancellor; nor was any other evidence offered to the same or the like effect. On the contrary, for reasons which would easily be understood by those noble and learned Lords present, who were familiar with proceedings in the Court of Chancery, great care was taken, on the part of the advisers of the Crown to confine the allegations of fact in the Information, and the evidence offered in support of them, to what was absolutely and strictly necessary, for the purpose of obtaining a Decree for an

Account. Their reasons were, first, that it would have been oppressive to Mr. Edmunds himself, and also contrary to the practice of the Court, to go into the particulars of the account proposed to be taken, in that stage of the Suit, when the only question was, whether any account should be taken at all. Secondly, it was necessary, for the purpose of that proceeding, to keep off the record everything like the suggestion of a criminal charge against Mr. Edmunds. He (the Lord Chancellor) had stated, when he was examined as Attorney General before their Lordships' Committee, that the advisers of the Crown, whether rightly or wrongly, were of opinion that the facts would have warranted criminal proceedings against Mr. Edmunds; but that it was not considered right to take such proceedings, having regard to the manner in which Mr. Edmunds had been interrogated, and to the acceptance by the Treasury of £7,872 paid by him, on the footing of a civil liability. It was, therefore, inconsistent with the nature and the object of the proceedings in Chancery, to raise unnecessarily any questions of character, or to aggravate the case against Mr. Edmunds by unnecessary personal imputations. If anything criminal had been alleged, the counsel for Mr. Edmunds, without admitting his guilt, might very properly have contended that the Court of Chancery had no jurisdiction to inquire, under colour of a suit for an account, into a criminal charge. For these reasons the counsel for the Crown abstained, as far as possible, in their pleadings, evidence, and arguments from all criminatory matter, and from going into any items of account, beyond such as were absolutely necessary to lay a foundation for the decree asked. On the other hand, Mr. Edmunds produced his own evidence, and that of his accountants and others, to put the colour which suited him upon the questions at issue, and to give his own version of the probable results of the account; and his counsel went very largely into arguments, founded partly upon this evidence, and partly upon the limited extent of the proofs then offered by the Crown, for the purpose of eliciting from the Vice Chancellor some expression of opinion, exculpating him from moral blame in these transactions. That they should have succeeded in this attempt, was, at the time, a

matter of considerable surprise to the advisers of the Crown; because, although there never was a better Judge than Vice Chancellor Giffard, the expression of any such opinion, at that time, and upon such necessarily imperfect materials, before the final results of the account to be directed could possibly be known, was certainly unusual, and extra-judicial; and of this the learned Judge himself afterwards became sensible; for it was publicly stated by Mr. Denman in the House of Commons, after the award of the Arbitrators, that Sir George Giffard had told him, that, if he had been aware of the contents of the Reports of Messrs. Greenwood and Hindmarch, and of the proceedings before the Committee of their Lordships' House, he should not have said what actually fell from him in Mr. Edmunds' favour, whatever else he might have thought proper to say. He (the Lord Chancellor) trusted, that it was unnecessary for him now to add anything further, to convince their Lordships, that, notwithstanding the high authority of the noble Lord the Chairman of Committees, they ought not to allow themselves to be influenced, by the mere fact that this unfortunate gentleman had been some time ago an officer of that House, to create in this instance a precedent totally unlike anything that had ever happened before, and such as he thought would tend greatly to shake the confidence of all persons in their Lordships' discernment as to matters connected with the responsibility of public accountants, and the administration of justice.

LORD REDESDALE, in reply, said, he still thought, after what had fallen from the noble and learned Lord (the Lord Chancellor) that the House was not in possession of all the information which it ought to possess in reference to that case. He, however, felt the responsibility now resting upon him, and should have desired to hear some of their Lordships express their opinion as to what ought to be done on the subject. As, however, no one thought proper to do so, under all the circumstances, he did not feel himself justified in dividing the House.

LORD DENMAN said, that if the result had been more favourable to Mr. Edmunds we should not have heard any complaint of it. He added, that whether willingly or unwillingly Mr. Edmunds



had named Mr. Fitzjames Stephen one of the Arbitrators, but on that gentleman's going to India he named Mr. (now Baron) Pollock. The Arbitrator named on behalf of the Crown was his learned relative Mr. (now Justice) Denman, who made it known that he would not accept a reference, as on a mere retainer by the Crown, but with a view to impartially deciding on both sides of the case. It would be unfortunate if such an award were indefinitely re-opened, and he regretted the consequences of it to Mr. Edmunds as much as the noble Lord who brought forward this Motion.

On Question, *Resolved in the Negative.*

#### INDIAN APPEALS.—OBSERVATIONS.

LORD STANLEY OF ALDERLEY, in calling the attention of the House to the necessity of extending the powers for hearing Indian Appeals contained in the statute 3 & 4 William IV., c. 41, said, the principal objection which, he believed, would be made to the proposition that it was necessary or expedient to provide for appeals of Indian Princes in cases in which they were aggrieved by acts of subordinate officials was, that those acts were acts of State, and that appeals against them to a tribunal might weaken the Executive Government. In reply to that, he would point out that in almost all the cases that he was acquainted with an appeal was desired not so much against the decision of the Government, as against the grounds, or absence of judicial grounds, upon which the Government might have decided. This view was confirmed by a case which had recently been heard by the Judicial Committee. An Indian Court had rejected a claim on the ground that an act of State was impeached. The Judicial Committee heard the appeal and decided that there was no act of State, but it rejected the appeal on other grounds. Granting, however, for argument's sake, that the acts complained of were acts of State, he could cite precedents which went far to prove that no such evil consequences need be apprehended from a course which would substitute the reign of law for that of caprice. It was the rule in Portuguese India for Governors before returning home, to give a strict account to law officers, who not only inquired into their accounts, but also sat in judgment over them, and received depositions

of witnesses and any complaints which might be made. In the Philippine Islands the Chief Judge and Supreme Court exercised a supervision over the acts of the Government, and on some occasions condemned and prevented military expeditions, and in case of the death of the Governor the Supreme Court conducted the Government until the arrival of a new Governor. Again, by the Constitution of the United States the Supreme Court judged and revised or disallowed the legislation of the States in all cases in which that legislation might appear contrary to the Constitution. It was a subject of complaint in France that though all Frenchmen were supposed to be equal before the law, yet, in fact, they were not, since a Frenchman could not prosecute or sue a Government official even of the lowest class, without previously obtaining the sanction of the Conseil d'Etat. The state of Indian Princes and of the other subjects of Her Majesty in India, under the statute of 3 & 4 William IV., c. 41, was, therefore, similar to that of Frenchmen; they could not plead against Governmental acts, unless the Government itself consented to allow them to do so. Unless further powers of appeal to the Judicial Committee of the Privy Council than those contained in the statute of William IV. were granted, the Princes of India would now be in a worse position than that in which they stood under the Company's Government, and previous to the Proclamation by Her Majesty on her assuming the Government of India, which was intended to better their status and give them confidence and security, because previous to that Proclamation, India was under a double Government, or was supposed to be so, and it was by raising a cry against a double Government that the East India Company was extinguished. But that double Government had this advantage for the Princes of India, that it was easier for them to appeal to the Imperial Government, and easier to obtain a hearing from Parliament; and there was also this advantage for the Imperial Government, that it was then easier to revise any act without appearing to retreat from a position already taken up. As the Princes of India could not be brought before Her Majesty's Courts in India, they had no *locus standi* for an appeal to the Privy Council. There remained to them,

Lord Denman

it was true, the possibility of appealing to Parliament; but Parliament had not time, nor was it a very fitting tribunal, for judging of such matters as might be wished to submit to it. But that resource was now almost cut off, because insinuations had been made, and had been repeated in public prints, which now made it very difficult for any Member of Parliament to take up any case, however much he might be convinced of its justice. The necessity for some independent tribunal to decide between the Princes of India and the local officials, moreover, would be very much increased by the great extension of railways in India. These enterprises would necessarily give rise to disputes about property and jurisdiction, arising from the conduct of the constructors of railways, which sometimes led to quarrels even in our own country. The Princes of India, who formed part of what was the Mogul Empire, were subject to the paramount Power, and ought to possess the right of appeal of subjects of Her Majesty. It was also objected that by giving to the Princes of India a right of appeal to a supreme tribunal, they might be deprived of their Sovereign rights. But this objection was rather frivolous, since these Sovereign rights, whilst debarring them at present from a legal remedy, did not prevent their being dethroned by the Indian Government. But not only the Princes of India, but also Her Majesty's Indian subjects, were not on a footing of equality with Her Majesty's British subjects for obtaining redress, or even a hearing of their complaints. For instance, there were some endowments known as the Hooghly endowments for the education of the Mussulmans of Bengal. These endowments were taken away and thrown into the common fund for the education of the Hindus. This was done by an administrative act, and, consequently, no ground for an appeal existed. But it could not be said that the Imperial Government was interested in this act of a subordinate official or in maintaining it. The matter in question was not one of policy, but of rights, to be settled by the Law Officers of the Crown. A similar case happened at Penang, where Sir William Norris, who was Recorder of the Straits Settlements from 1837 to 1847, appropriated some endowments belonging to Mussulman schools to the education of Chinese and their con-

version to Christianity. It would be easy to bring forward many cases in which it would have been advantageous to the Imperial Government, whose principal object and interest was to establish its reputation for justice, to have allowed an appeal, instead of simply confirming an act, often without further information than that furnished by the person whose act had given grounds for complaint; but he would limit himself to one case, in which it would be easy to show that the Government had acted without sufficient information. He referred to the case of the Nawab of Tonk. The India Office was unacquainted with the facts of the case, and even with elementary facts. It could not be supposed that the hon. Gentleman the Under Secretary of State for India would mis-inform the House of Commons, and he, therefore, must have been himself mis-informed. The hon. Gentleman stated that the deposed Nawab of Tonk was the grandson of a notorious Pindarree. Now, it was well known that the Pindarrees were Hindus of the Mahratta territory, and the Nawab of Tonk traced his descent back for 1,200 years through Mussulman ancestors. If the name of "Pindarree" was misused for "freebooter," it was equally inapplicable, since the grandfather of the Nawab of Tonk was in the regular service of Holkar. Further on, the hon. Gentleman stated that the Nawab of Tonk's men were "Pathans, notorious cut-throats, men of the same tribe as the murderer of Lord Mayo." Now, Pathans were men born in India of Afghan descent, and had nothing in common with the Afreedees and other mountaineers born and bred in Afghanistan. So that in these two statements there was ignorance of elementary facts. He would now give an instance of ignorance of the facts of the case; the Under Secretary had stated that "there were 15 of the Lawa men killed, while on the Tonk side only one man fell." Whilst the fact was as appeared from the Papers laid before Parliament, and the depositions of seven Hindu witnesses, that 17 men were killed in all—10 men on the Lawa side, and 7 men on the Tonk side, one of whom was a Mussulman, and the other six were Hindu sepoy. He would not, however, rely upon those errors in the statement of the hon. Gentleman, nor upon the fact that 84

Members of the other House were in favour of an Address praying Her Majesty to refer this case to the Judicial Committee of the Privy Council. But he thought that much weight should be attributed to the opinion given by eminent counsel to questions put on this case—

“We are of opinion that if the Nawab were treated as a delinquent he was entitled to notice that the investigation was to be made, and that he would be held personally responsible, and that according to the ordinary principles of justice, which require that a man shall be duly informed of any charge brought against him, and shall have full opportunity of defending himself. The only step we could suggest to secure the Nawab's release, or a proper investigation into the circumstances of his case, would be the presentation of a Petition to Parliament, or a Petition to Her Majesty, praying Her Majesty to give effect to the power contained in the statute 3 & 4 William IV., c. 41.”

He did not think it was a strained interpretation of that opinion of counsel to suppose that, according to it, the Nawab of Tonk's case had not yet received a proper investigation, and to show its weight he need only say that it was signed by the present Lord Chancellor, Mr. Vernon Harcourt, and Mr. Farley Leith. That case alone, he thought, was sufficient to show that some alteration in the present system was necessary.

THE DUKE OF ARGYLL said, his noble Friend (Lord Stanley of Alderley) had raised a very large and very important question in the most inconvenient form possible. When he (the Duke of Argyll) read the Notice, he had not the remotest suspicion of the subject to which he was about to refer. Under the form of calling attention to the necessity of extending the powers for hearing Indian Appeals, his noble Friend had raised a wholly independent question—namely, whether a new tribunal should be constituted to extend to the Government of India and to the native Princes of that country, the same principles of appeal in political and criminal jurisdiction as already existed in civil matters in the case of the Judicial Committee of the Privy Council. He need not explain that the subject to which the noble Lord's question referred had nothing to do with the Judicial Committee of the Privy Council, which was a body constituted for the purpose of hearing appeals, in the legal sense of the term, brought by persons whose suits had been previously adjudicated upon in the

primary Courts. As, however, there was no Court of First Instance in India that was empowered to deal with political questions, it was clear there could be no such thing as an appeal in political cases. His noble Friend might, of course, contend that a political Court should be established in this country, and he listened attentively with a view to ascertain whether he would have a Court of First Instance, or a Court of Appeal from some Court to be established in India; but he could not quite collect his views on that subject. If he thought that a Court sitting in London as a Court of First Instance could decide on the many difficult questions which arose between the Government of India and the native Princes, he (the Duke of Argyll) could not conceive a proposition less likely to receive the sanction of Parliament. There was not the machinery for the purpose. How could a Court in London determine matters which depended upon local evidence, and the fact whether witnesses were speaking the truth or committing perjury? Then, as to a Court of First Instance, it would be a Court of criminal jurisprudence for the Princes, and of political jurisdiction for the Government of India. Such a Court would largely supersede the functions of the Government, for it would, of necessity, be a Court to which the Princes of India would be amenable, and it would also exercise large political powers over the Government. It would thus have the power to substitute itself for the Government of India in regard to nearly every great question that might arise. There were three possible cases in which they might have to deal severely with the native Princes. The first divided itself into two branches, one, that of suspicion of political treachery against our Sovereign power, and he need hardly say there had been such cases; the other, that of disaffection to the Sovereignty of the Queen, of which a case occurred in the person of the King of Delhi, who on the breaking out of the Mutiny, made himself *particeps criminis*, and he and his family were dispossessed. Another case was that of the Rajah of Sattara, who was deposed in 1838. Could the Government of India delegate the power they exercised in those cases to any tribunal whatsoever? Was it not evident that it was a political function which must be kept in the hands of the

Government of India? Then there was the case, not of political disaffection, but of gross political mismanagement of their own territory on the part of the native Princes. That was a much more delicate and difficult question to deal with, and it was one which the Government of India must reserve to itself to settle. However cruel or oppressive Princes might be to their subjects, the British Government never allowed civil war. Were they, then, to delegate to any tribunal the decision of the question whether the government of a particular Prince had reached such a point as to justify the interference of our Government? He would refer to but one case, that of the great Kingdom of Oude and the deposition of its King in pursuance of the decision of the Government of India and of the Cabinet of England—a decision which he, for one, did not regret. The House would recollect the long suffering of the Government of India with regard to the King of Oude. The action of Lord Dalhousie in reference to the Government of Oude was abundantly justified, as the noble Lord would find on reference to the Papers relating to the annexation. In fact, the misgovernment of Oude had reached a point which rendered it the absolute duty of the Imperial Government to assume the administration of the affairs of the Kingdom; but such a question was for the Government and not for a Court of First Instance. Then there was a third case, not of political treachery or of general mismanagement, but of individual and particular crime—happily a very rare case, but of which there had been one or two instances in the course of many years. One took place in 1838, and judging from it, he contended that Government should have the means of dealing with particular crimes. He would not, however, say that there might not be some amendment in the mode in which the Government of India dealt with the case of native Princes accused of crime. The ordinary course had been to secure a careful report from our Political Resident after he had inquired into the case. The report went through the hands of the higher political officers until it reached the Supreme Government. In that course of proceeding amendment might possibly be suggested. Instead of taking the report of a single political officer, it might be advisable to send

down to him a strong commission, containing, perhaps, a judicial element, to inquire and take evidence on the spot as to the alleged crime. Such an amendment as that might very well be considered by the Government of India and the Government at home. But of this he was quite sure, that if amendment were required, it would not take the form of an independent Court. He threw that out merely as a suggestion, but strongly deprecated the proposition that the Judicial Committee in London or a Court of First Instance in India should be vested with political power to intervene between the Government of India and the native Princes.

#### ARMY—THE MILITIA RESERVE— ANNUAL BOUNTY.

THE MARQUESS OF EXETER, in asking Her Majesty's Government, Upon what grounds the Annual Bounty was refused to men of the Militia Reserve who enlisted in 1868 and whose term of service did not expire till after the training of 1873; Also, whether the withholding of the bounty is not in contravention of paragraph 16 of the Regulations under the Act 9th May, 1868, and further explained by paragraph 10 of the Memorandum of Conditions of Service in the Militia Reserve, 23rd April, 1869, A (Militia) 136, in which commanding officers of regiments are expressly ordered to read and explain to the men three times during each training—said, he felt it necessary, though a commanding officer, to bring the matter before the House, because the men in his regiment had expressed themselves dissatisfied with what had been done to them. He considered that the clause was perfectly clear, and that the men who enlisted under it were to receive on attestation £1 bounty and another at the close of each annual training during the period of their service. That was a matter of much importance, and if it were desired that the Reserve men should not be dissatisfied, the payments which were promised should be made.

THE MARQUESS OF LANSDOWNE said the noble Marquess (the Marquess of Exeter) was mistaken in supposing that any instalment of bounty to which these men were entitled had been withheld. They had received the last instalment at the end of the training of

1872. Their original engagement was made at the end of the training of 1868, when they received £1 in the nature of a retaining fee. The noble Marquess would therefore see that for their five trainings they had received £5. He felt bound to acknowledge that the original Regulation might have been framed more clearly, but as far as he was aware there had never been any doubt as to the amount to be paid, and no misapprehension had arisen except in the case of two regiments.

VISCOUNT HARDINGE pointed out that the precedent which had been made by the War Office was not a good one, and complained of the way in which the regulations had been drawn; for as they stood they admitted of two interpretations, and the men might reasonably consider that they were entitled to another £1 each. He understood that some 300 or 400 of the men to whom reference had been made were so discontented that they would not enter into a new engagement. Would it not be a proper thing for the Inspector General of Militia to look into it at once, and see if the services of these men could not be retained?

THE MARQUESS OF LANSDOWNE said, he could not understand how any misconception could have arisen.

LORD STRATHNAIRN said, the difficulty had, without doubt, arisen through the ambiguous wording of the Memorandum, and that it was extremely to be regretted there should have been any hitch in reference to Militia engagements.

#### ELEMENTARY EDUCATION ACT— SCHOOL BOARDS.—QUESTION.

LORD BUCKHURST said, while he did not wish to embarrass the Government on the subject of education, it was highly inconvenient to the public that any doubt or ambiguity should exist as to the intentions of the Government with regard to a question of such great importance. He thought it might be assumed that the subject of compulsory education would not be further proceeded with by Her Majesty's Government, but still there remained the question of school boards. Now it was quite clear that there might be compulsory education without school boards and school boards without compulsory education. No doubt much good had in many in-

stances resulted from the establishment of school boards, but it must be remembered that school boards had imposed upon the ratepayers very heavy additional burdens—and in some cases still increasing burdens. It should also be remembered that school boards possessed the very great power of compelling parents to send their children to school. Under those circumstances, he thought it was not unnatural that some anxiety should exist as to the future intentions of Her Majesty's Government with regard to making school boards generally compulsory. It was not, therefore, without some surprise that he read a statement reported to have been made not long ago by a noble Earl opposite who not unfrequently represented Her Majesty's Government in that House. The noble Earl was reported to have remarked at a public meeting on educational matters, held in the West of England, that it would be a great advantage to have the system of school boards universal and compulsory, as in Scotland. Further, the noble Earl was said to have stated for the guidance of the meeting, that he had reason to believe that before long steps would be taken for the establishment of a school board in every parish or district in England. In conclusion, he begged to ask, If it is the intention of Her Majesty's Government to take any further steps relative to the establishment of school boards, and especially with reference to making them compulsory? No doubt, the noble Earl had been misrepresented, and the answer to the Question now put to the Government would possibly give an explanation.

THE EARL OF MORLEY said, he wished to furnish the desired explanation. The report alluded to caused him as much astonishment and consternation as it had produced in the mind of the noble Lord opposite. The words he used were most inaccurately reported; and besides, he merely expressed his individual opinion at a school meeting in his own parish in the West of England. He said there might eventually be a general system of school boards throughout the country; but he never thought his words would have found their way into the London newspapers, and still less did he think they would be considered as spoken by the authority of the Government. He had not the slight-

*The Marquess of Lansdowne*

est knowledge of the intentions of the Government, and, if he had known them, he trusted their Lordships were satisfied that he would not have been so injudicious as to state them on that occasion. He only expressed an individual opinion as to what might be the ultimate result of the school board system.

VISCOUNT HALIFAX hoped his answer would be equally as satisfactory as the explanation just offered. Whatever doubt there might have been as to the intention of the Government a week ago, there could hardly be any misapprehension now, after the statement recently made in the other House by the right hon. Gentleman the Vice President of the Education Department. The right hon. Gentleman paid a tribute to the great voluntary exertions which had been made in all parts of the country to establish elementary schools, and stated that he anticipated the continuance of these voluntary exertions. Under those circumstances, the Government did not think it desirable to make the establishment of school boards compulsory where they were not necessary.

#### VISIT OF THE SHAH OF PERSIA—THE NAVAL AND MILITARY REVIEWS. QUESTION.

LORD ORANMORE AND BROWNE asked Her Majesty's Government, Whether it is their intention to give directions to insure accommodation for the Members of both Houses of Parliament and their wives at the naval and military reviews, as well as at any other public entertainments given at public expense in honour of the visit of the Shah of Persia to this country?

THE EARL OF CAMPERDOWN said, the visit to the Fleet would partake more of the character of an inspection than of a review, because the iron-clads at Spithead would be at anchor, and the Royal Yacht would pass between them. If any of their Lordships wished to be present, he had to request that they would be good enough to place their names as early as possible on a paper, which would be left in the Prince's Chamber for the purpose, and a ticket would be forwarded to each from the Admiralty. That ticket would admit the bearer to a Government vessel, which would accompany the Royal Yacht on the inspection. Special trains would not be provided at the expense of

the Government, as on a former occasion; but he had no doubt that that matter would be satisfactorily attended to by the Railway Companies.

House adjourned at a quarter before Eight o'clock, 'till To-morrow, half-past Ten o'clock.

#### HOUSE OF COMMONS,

*Monday, 16th June, 1873.*

MINUTES.]—NEW WRIT ISSUED—*For Berwick, v. David Robertson, esquire, now Baron Marjoribanks, called up to the House of Peers.*  
SELECT COMMITTEE—Boundaries of Parishes, Unions, and Counties, Mr. Cross discharged, Colonel Brise added.  
*Special Report—Juries (Ireland) [No. 252].*  
PUBLIC BILLS—*Ordered—First Reading—Proportional Representation \* [194].*  
*First Reading—Building Societies (No. 3) \* [195].*  
*Second Reading—Tramways Provisional Orders Confirmation \* [192]; Blackwater Bridge \* [176].*  
*Report of Select Committee—Tithe Commutation Acts Amendment [No. 250].*  
*Committee—Rating (Liability and Value) [146]—R.P.*  
*Committee—Report—Indian Railways Registration \* [168].*  
*Report—Tithe Commutation Acts Amendment \* [81-193].*  
*Considered as amended—Law Agents (Scotland) \* [184].*  
*Withdrawn—Building Societies (No. 2) \* [141].*

#### LABOURERS' HOUSES (IRELAND).

QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, If he has given up his intention of bringing in a Bill to increase the facilities for the erection of Labourers' Houses in Ireland?

THE MARQUESS OF HARTINGTON, in reply, said, however much he might sympathize in the subject-matter of the hon. Baronet's Question, he feared he should not have an opportunity of bringing in a Bill that Session.

#### METROPOLIS—PALACE OF WESTMINSTER.—QUESTION.

LORD JOHN MANNERS asked the First Commissioner of Works, Whether any plan for the appropriation of the ground to the West of the Palace at Westminster, acquired under the Act of

1869, has been agreed upon; and, if so, whether he will state its general character?

MR. AYRTON, in reply, said, that several proposals had been made for the purpose of dealing with the land in question, but none of them had been finally approved. There was now a new proposal under consideration, which would involve considerable expenditure of public money. If that proposal should be approved, an estimate would be submitted, and a full explanation would be given before the Vote was taken.

**ELEMENTARY EDUCATION ACT, 1870—  
SCHOOL ACCOMMODATION.  
QUESTION.**

MR. SALT asked the Vice President of the Council, Whether it is held to be in accordance with the intentions of the Elementary Education Act (1870) that Ratepayers in School Board districts, where the school accommodation already largely exceeds the average attendance of children, should be compelled to provide additional accommodation for children between the ages of three and five, seeing that there is no power under the Act for compelling the attendance at school of children below five years of age, and no Government Grant is made for children under four years of age?

MR. W. E. FORSTER, in reply, said, that by the 5th section of the Education Act, it was enacted that accommodation should be provided not for the present average attendance, but for all the children resident in the district. If that provision were not carried out, we should be in this position that while no School Board could enforce attendance unless Public Elementary Schools be provided for all the children, it would also be unable to provide such school accommodation, we should therefore get into a deadlock and not be able to get on. With respect to children under four years of age, the Grant was made on the average attendance and not on the age. They found by Returns that 23 per cent of the population were between 3 and 13, and 18 per cent between 5 and 13. They had therefore asked for school accommodation for about 20 per cent of the class likely to attend elementary schools. General rules were not always strictly applied in each case.

*Lord John Manners*

**CRIMINAL LAW—CASE OF JOHN  
TOMLINSON.—QUESTION.**

MR. CHARLEY asked the Secretary of State for the Home Department, Whether his attention has been called to a case of cruelty to a horse, heard by the Borough Bench at the Malton Petty Sessions on Saturday, March 19th, in which the maximum term of three months' imprisonment with hard labour, under the Statute 12th and 13th Vic. c. 92, s. 18, was inflicted on John Tomlinson, plumber, of York, for having on Good Friday been guilty of gross cruelty to a thoroughbred horse by overdriving it till its fetlock joints were doubled over and broken, and its hoofs came off, and, after its feet had been thus mutilated, continuing to drive it until it dropped; and, whether he will consider the desirability of increasing the punishment in cases of such aggravated cruelty?

MR. BRUCE, in reply, said, he was far from thinking that this man had been adequately punished. If in all cases the utmost punishment that the law allowed were inflicted, he believed a stop would speedily be put to this species of cruelty. It was not his intention to bring in a Bill this Session to alter the law, but he would consider the subject.

**MERCHANT SHIPPING ACT—  
PUNISHMENT OF SAILORS—THE SHIP  
"WIMBLEDON."—QUESTIONS.**

MR. GILPIN asked the Secretary of State for the Home Department, If his attention has been drawn to the following statement:—That the ship "Wimbledon" was loaded at Cardiff on the 8th January 1873; and that on that day twelve men were committed by the magistrates for ten weeks' hard labour for refusing to go to sea in the vessel; that on the 24th of January five men of a new crew of the same ship were charged before the magistrates for refusing to go to sea, on the ground that the vessel was not seaworthy; that these were sentenced to ten weeks' hard labour; that on the 25th ten more of the crew refused to sail in the said ship; of these, seven were persuaded by the magistrates to go, and three were sentenced to ten weeks' hard labour; that on the 27th of January five of the men were again brought up for refusal, and were remanded to the 29th,

that a further survey should be made; that, on their appearing on remand, the official record is, "No prosecutor appeared, and the men were discharged." If there be any compensation for the men who have been thus imprisoned; and, if it is a fact that this vessel, twenty-five of whose crew have been thus imprisoned, is marked with a black mark in "Lloyd's Register," as unfit to be placed in any class?

MR. CARTER asked the Secretary of State for the Home Department, in reference to Mr. Gilpin's question, If he could state to the House whether, when the Cardiff magistrates discharged from custody the five men brought before them on the 27th of January, and remanded until the 29th, charged for refusing to go to sea in the "Wimbledon," because no prosecutor appeared, they (the magistrates) took any steps to procure a remission of the sentences upon the twelve men committed on the 24th of January, and the three men committed on the 25th, on the same charge?

MR. BRUCE in reply, said, that the Question of the hon. Gentleman the Member for Northampton (Mr. Gilpin) and also that of which Notice had been given by the hon. Member for Leeds (Mr. Carter) would be best answered by reading a succinct statement of one of the magistrates on the subject, from which it appeared that on the 8th of January, 1873, while the ship was in harbour, a portion of the crew, without giving notice to the master, refused to go further with the ship. They stated that the meat supplied to them on board was bad and deficient. They returned on the following day. The Court directed a survey to be made, and the meat was ascertained to be good and wholesome. The defendants still refused to proceed with the ship, and the Court sentenced them to imprisonment. On the 23rd of January five other men of the crew were charged with the same offence. On the 16th of January the ship left Cardiff, and had got as far as Lundy Island, when she met with bad weather, and was anchored in the Roads on the 20th. On the 20th some of the crew refused to proceed further with the ship, alleging that she was unseaworthy. A survey was made of the ship under the provisions of the Merchant Shipping Act, 1871, and on the 24th a Report was made to the Board of Trade that the

ship was not unseaworthy, and that the defendants were therefore not justified in their refusal. On the 25th of January, ten other men, part of the crew, were charged with refusing to proceed to sea on the ground that the ship was unseaworthy. The case against these men was adjourned till the 29th of January, on which day the master did not appear and the charge was dismissed, the owners, to avoid the expense, having engaged another crew at Liverpool. The magistrates did not think, however, that because the captain did not appear against the men on the 29th, the ship must have been unseaworthy. They believed that the owners, smarting under the heavy expenses caused by the detention of the vessel, determined to abandon the prosecution and let the ship get away. The magistrates had taken no steps to procure a revision of the sentences which had been passed on the men who had been previously brought before them; and they did not think such a course would be reasonable or expedient. He (Mr. Bruce) had in his hand the Report of the Inspector, which entered into details; but the substance of it was this—On the whole, he regarded the ship as being strongly built and well-found in every respect. His hon. Friend the Member for Northampton asked whether this ship had not been put on the Black List at Lloyd's. The ship was built in 1864 as an A 1 ship; but at the end of eight years, a fresh examination was necessary, in order to ascertain whether she should be continued on the Register. She was examined at Liverpool, and certain alterations were reported to be necessary by Lloyd's in order to re-instate her. The owners refused to make those alterations, and proposed such alterations as they deemed proper. They were therefore unable to continue her on the Register at Lloyd's.

MR. GILPIN: In point of fact, then, the ship was uninsurable at the time.

MR. BRUCE wished to add that the ship had since made her voyage in safety.

#### METROPOLIS—STREET TRAFFIC REGULATIONS—QUESTIONS.

MR. LIDDELL asked the Secretary of State for the Home Department, Whether his attention has been called



to the rapid rate of speed at which large and cumbrous spring carts and vans now traverse the streets of the metropolis at all hours; And whether, in view of this practice, and with regard to the public safety and convenience, he will consider the desirability of making some further regulations of street traffic than those apparently in force?

VISCOUNT MAHON desired at the same time to ask, Whether further regulations were contemplated with regard to cabs which carried no fares, and which, by going through the streets at a foot-pace, constantly impeded the public traffic?

MR. BRUCE: Sir, it is somewhat inconvenient to answer a Question of so much importance in this form, because if I give a very succinct answer, I shall neither do justice to the efforts of the police to diminish the danger of the streets, nor bring before the House a full picture of the state of things. I am also very loth to detain the House at any length on the matter. The Acts imposing penalties on persons for furious driving or for driving so as to endanger life or limb, or do bodily harm, are 2nd & 3rd Vic., c. 47, and 24th and 25th Vic. c. 100. The police have power to enforce those Acts by taking out summonses, or by apprehending offenders; but have no power to make regulations as to speed, the only power they have being that they can regulate the order which vehicles should take through the streets on certain occasions. During the year 1872, 528 summonses were taken out for the offence of dangerous driving, and 351 apprehensions were made. The number of police specially employed in regulating street traffic has been largely increased during the last four years, and it now amounts to 176, besides 230 stationed at fixed points; these are mostly in busy thoroughfares, and pay special attention to the traffic, and I believe I am within the truth in saying, that since Colonel Henderson has been Chief Commissioner the number of police specially told off for this duty have been increased four-fold; while the strictest orders to enforce the law have been issued to the police, and printed notices on the subject have been extensively placarded. I am sorry, however, to say that while the number of deaths has slightly decreased, the number of injured has not decreased in

proportion to the exertions thus made. The number of persons killed during the last four years has been—in 1869, 128; in 1870, 124; in 1871, 120; in 1872, 118. The agents in the deaths were—vans, 30; heavy carts, 19; light carts, 18; waggons and drays, 19; omnibuses, 14; cabs, 10; private carriages, 6; and ridden horses, 2. On the other hand, the number of injuries inflicted has considerably increased—namely, from 1,706 in 1869, to 2,677 in 1872. The population of the metropolitan police district was 3,110,654 in 1861; in 1871 it was 3,810,744, being an increase of 700,090, or at the rate of 70,000 a-year. The present population is probably 3,950,000. On examining the scenes of these accidents it will be found that they happen with comparative rarity at crossings in crowded places, where policemen are generally stationed, and where the crowded state of the streets prevents vehicles from moving rapidly. Accidents are more frequent in less crowded and and less well-guarded thoroughfares. Thus the largest number of accidents occurred in the district of Highgate, and a large proportion of these were in the streets which were used by children as their playground and by full-grown persons as a footway. The difficulty in enforcing the law arises from the necessity of proving “furious driving.” The pace must be a matter of opinion, and the evidence of the police is very liable to be questioned. However, it is the intention of the Chief Commissioner of Police to increase the number of the police in crossings and busy thoroughfares; but his success cannot be complete without the co-operation of the passengers themselves, who often display an extraordinary indifference to danger. With respect to the Question of the noble Lord the Member for East Suffolk (Viscount Mahon), I admit the evil. I think that loitering or crawling cabs add much to the obstruction of traffic and to the safety of even prudent passengers; but the war waged by the Chief Commissioner against them was the subject of continual expostulation in this House, where it seemed to me that there was a disposition to prefer private convenience to public safety. Crawlers are largely patronized, and it is difficult to enforce a law when so many are conspiring against it, and the magistrates show a

Mr. Liddell

disinclination to convict except where actual obstruction is proved. The number of cabs has increased from 5,687 in 1869 to 8,160 in 1872, and there will be a very large increase during this year. The Chief Commissioner has done what he could to diminish any justification for loitering by increasing the number of standings from 292 in 1868 to 498 in 1872. During the last year 1,383 summonses were taken out against loitering cabs.

#### STIPENDIARY MAGISTRATES—SALFORD AND MANCHESTER

##### QUESTION.

MR. CAWLEY asked the Under Secretary of State for the Home Department, How it has come to pass that in a Return to this House, bearing date "7 May 1873," and authenticated by his signature, "of all places in England and Wales having Stipendiary Magistrates, with the dates of their first appointment, and their present salaries," there is no mention made of the borough of Salford and the division of Manchester, for which places there is a Stipendiary Magistrate; and, if he can inform the House whether there is any other place not mentioned in the Return which has a Stipendiary Magistrate?

MR. BAXTER said, the reason of the omission was, that Salford was in the Duchy of Lancaster.

#### VISIT OF THE SHAH OF PERSIA—REVIEW IN WINDSOR PARK.

##### QUESTIONS.

MR. WALSH asked the Secretary of State for War, Whether any space will be set aside in Windsor Park, on the occasion of the Review before the Shah of Persia, for the carriages of such Members of both Houses of Parliament as may wish to witness the Review?

SIR ROBERT ANSTRUTHER asked the Secretary of State for War, Whether any arrangements will be made for giving opportunity to the Members of both Houses of Parliament to attend the proposed review of troops in Windsor Great Park, on the 24th instant?

MR. CARDWELL: Sir, I must premise by saying that the arrangements in Windsor Park are not under my direction; but I have informed myself upon the subject in order to be able to answer these Questions. Arrangements

have been made to enable Members of this House to witness the Review, and His Royal Highness Prince Christian, the Ranger of Windsor Park, has sent to Mr. Speaker 500 tickets for the Stand and 50 for carriages within the enclosure.

SIR PATRICK O'BRIEN asked the First Lord of the Treasury, What facilities it is intended by Her Majesty's Government to afford to Members of the House and their families who wish to be present at the Naval and Military Reviews about to take place in honour of the Shah of Persia?

MR. GOSCHEN said, that he had been requested by the right hon. Gentleman the First Lord of the Treasury to answer in regard to the proposed arrangements. In order to prevent disappointment, he must repeat that the gathering of ships at Portsmouth would not be a Review. There would be no evolutions, but simply a gathering of ships. On the occasion of the visit of the Sultan, arrangements were made for a formal Review; but the weather being unfavourable it ended in a simple inspection. There would now be two naval inspections—one at Dover, where a large squadron—in fact, two squadrons—would meet the Shah, and an inspection at Portsmouth, which would not have the same interest as if there were evolutions. With regard to the attendance of hon. Members at Portsmouth, the Government had found themselves in a position of some difficulty. According to the precedent of the Sultan's visit, they would have issued about 3,500 tickets, would have hired special trains, and provided at Portsmouth an entertainment, of the cost of which he could give some notion when he said that in the case of one ship, which accommodated 300 visitors, a bill was sent in for £450. If the same general issue of tickets had been repeated on the present occasion, it would not have cost less than £8,000 or £9,000, including the chartering of steamers. Finding it would be inexpedient to distribute tickets broadcast, it had been resolved to gratify the natural wish of hon. Members of the Houses of Parliament to be present in a way which was most compatible with the public interest. There would be no special trains provided, and instead of chartering a steamer, the Government proposed to appropriate to the service two steamers already at their disposal, and such

arrangements would be made as would prevent hon. Members being under the necessity of having recourse to the hospitality of Naval Officers. He purposed placing himself in communication with Mr. Speaker as to the best mode of ascertaining the wishes of those who might wish to be present.

In reply to Viscount GALWAY,

MR. CARDWELL, said, tickets had been sent to Mr. Speaker for Members and their friends.

#### THE MAURITIUS—ECCLESIASTICAL ESTABLISHMENTS.—QUESTION.

MAJOR ARBUTHNOT asked the Under Secretary of State for the Colonies, Whether, considering the opposition shown by members of all religious denominations in Mauritius, and the strong and so far successful resistance made in the Legislative Council, to the proposed disestablishment and disendowment scheme propounded by the Colonial Office, the Secretary of State for the Colonies will undertake to direct the Acting Governor of that Colony not to take any further steps towards an alteration of the existing Law affecting ecclesiastical establishments until the inhabitants shall have had sufficient time to make their views known, and, if necessary, until the subject shall have been discussed and decided by Parliament?

MR. KNATCHBULL-HUGESSEN: I hope, Sir, that the Papers in connection with this Question will be delivered to-morrow. By them my hon. and gallant Friend will find that we have anticipated his wishes, and that the Officer administering the Government of Mauritius has been instructed to defer the legislation in question until full time has been given for considering the views expressed by the colonists.

#### ARMY—DEPUTY ASSISTANT ADJUTANT GENERAL FOR MUSKETRY.

##### QUESTION.

MR. MALCOLM asked the Secretary of State for War, Whether Officers holding the post of Deputy Assistant Adjutant General for Musketry are to be made supernumerary in their regiment according to section 21, Clause 207, of the Royal Warrant of December 1871?

MR. CARDWELL: Sir, the Royal Commission on Military Education re-

commended that the inspection of musketry in the various military districts should be intrusted to officers on the Adjutant General's Staff in the respective districts. This recommendation has been carried into effect, and, like other Staff officers of their rank, the officers discharging this duty are no longer supernumerary.

#### POST OFFICE—MAIL CONTRACTS—CAPE OF GOOD HOPE AND ZANZIBAR.

##### QUESTIONS.

MR. BOUVERIE said, he wished to put a Question with reference to the course of Business that evening. The second Order of the Day was the Adjourned Debate upon the proposed confirmation of the Mail Contract between the Cape of Good Hope and Zanzibar. He, therefore, wished to ask Mr. Chancellor of the Exchequer, Whether he intends to proceed this evening with the Motion for the confirmation of the Contract for the conveyance of the Mails between the Cape of Good Hope and Zanzibar with the Union Steamship Company; and, whether his attention had been called to an omission on the part of the Treasury which he (Mr. Bouverie) imagined rendered it impossible to go on with that Motion, until the omission had been supplied? The Standing Order of the House of 24th July, 1860, required that all Contracts extending over a period of years, creating a public charge, actual or prospective, for the conveyance of Mails by sea, should be laid upon the Table of the House immediately, if Parliament be sitting, or within fourteen days after its assembling, accompanied by a Treasury Minute setting forth the grounds on which they had proceeded in authorizing it. The Contract in question was entered into on the 8th of May of the present year, and was duly laid on the Table of the House in compliance with the Standing Order; but he found, on inquiry at the Library, that there was an entire omission to lay on the Table any Minute of the Lords of the Treasury. There was a letter of a Clerk of the Treasury appended to the Contract; but that was not a Minute of the Lords of the Treasury; and the best evidence that no such interpretation could be put upon this letter was, that to each of the other Contracts upon this subject, of which

there were three, which had been entered into in the course of the last six months, there had been appended, in accordance with the Standing Order, a Minute of the Lords of the Treasury setting forth their reasons for approving of the Contract. Under those circumstances, he apprehended that it would not be competent to the House to proceed with the consideration of the Contract until such time as the Minute had been laid on the Table.

MR. GLADSTONE said, it had been the intention of the Government to proceed that evening with the Zanzibar Contract; but since the meeting of the House it had been intimated to him that a difficulty of the nature referred to by his right hon. Friend existed. The difficulty, as he understood, was a purely formal one. The common practice was to lay the Contract upon the Table together with the Correspondence, which Correspondence contained the view of the Government with respect to the Contract; but, in compliance with an Order of the House, there was likewise a formal Minute referring the House to the Contract and Correspondence; and he believed that, in that instance, the mistake had been committed of omitting to supply the formal Minute. The question became one entirely of the Orders and Rules of the House, and he thought it would be convenient if Mr. Speaker would give his judgment in the question, whether the Orders of the House had been so far complied with that they might proceed with the Motion. If the judgment of the right hon. Gentleman should be that the Orders of the House had not been complied with, then the proper course, he apprehended, would be to move that the Order for the resumption of the Adjourned Debate should be discharged, and to give fresh Notice on the subject.

MR. SPEAKER: Before the meeting of the House the right hon. Gentleman the Member for Kilmarnock drew my attention to the matter, and I have been able to inform myself on the subject. The Standing Order of which the right hon. Gentleman has spoken is very clear and explicit. It lays down the Rule, that every Packet and Telegraphic Contract shall be laid on the Table of the House, accompanied by a Minute of the Lords of the Treasury setting forth the grounds on which they have proceeded

to authorize it. Now, the Contract in question has, no doubt, been laid on the Table of the House, and it has been accompanied by a letter from an officer of the Treasury to the Postmaster General; but such a letter in no sense fulfils the requirements of the Standing Orders, and therefore, in my judgment, that Contract is not in a condition to be considered in its present shape by the House. I submit, therefore, that the proper course to be taken in the matter will be, when the Order is read for resuming the Adjourned Debate, to move that the Order be discharged, and then the House will take what course it thinks proper.

MR. HUNT asked the right hon. Gentleman at the head of the Government, Whether any reason could be given for the unusual course which had been adopted with regard to the Contract; whether any Minute has been passed by the Treasury; and, if not, whether any Minute will be passed, and when it will be laid on the Table?

MR. GLADSTONE said, that the omission had not been a deliberate act; neither he nor his right hon. Friend had any cognizance of it. He would suggest that the Order should be read at once, with a view to its being discharged, and then his right hon. Friend would be able to renew his Notice of Motion for the disposal of the matter—probably, on Thursday. It would then be proper to move for a Committee to inquire into the whole question.

MR. HUNT said, he should like to know when the Government proposed to take the opinion of the House upon the Contract?

MR. GLADSTONE replied, that the Government would take it as soon as they could conveniently do so. If the Order was now discharged, the discussion might take place on Thursday.

THE CHANCELLOR OF THE EXCHEQUER moved that the Order be read, for the purpose of being discharged.

*Motion agreed to.*

Order for resuming Adjourned Debate thereupon [9th June] read, and discharged.

## RATING (LIABILITY AND VALUE)

BILL—[BILL 146.]

(Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen,  
Mr. Hibbert.)COMMITTEE. [*Progress 13th June.*]

Bill considered in Committee.

(In the Committee.)

*Preliminary.*

Clause 3 (Extension of Poor Rate Acts to other property).

Amendment proposed, in page 1, line 23, after the word "wood," to insert the words "not being land growing saleable underwood"—(Mr. Bouverie.)

Question proposed, "That those words be there inserted."

MR. J. LOWTHER thought the subject of the rating of timber had hardly been fully considered by the Government.

MR. GOLDSMID observed that the rating of underwood was a most extraordinary anomaly, and the best way out of the difficulty would be to make underwood no longer liable to rates, and instead to rate the land upon which the underwood grew, just as the land was rated on which any other crop grew.

MR. LOPES asked the right hon. Gentleman the President of the Local Government Board for some explanation of the law of the case?

MR. PEASE said, that if the suggestion of the hon. Member for Rochester (Mr. Goldsmid) were adopted, its effect would be to land us in greater confusion than ever. The Committee, would, in fact, be repealing portions of the statute of Elizabeth. He, too, believed the whole difficulty on the subject arose from no defined principle of rating being laid down by the Government.

MR. STANSFELD said, he could not agree with his hon. Friend the Member for South Durham (Mr. Pease), that any difficulty was created or increased by the principles laid down in the Bill. He had promised, in reply to the right hon. Member for North Northamptonshire (Mr. Hunt), to state frankly whether he found the law was as he had stated it. Now, having consulted the Law Officers of the Crown, and referred to the case on which their opinion was founded, he had no hesitation in stating that he remained of the opinion that the statement he had made was correct—that the 1st section of the Parochial

Assessment Act had made no change in the law; and left the judgment of Lord Ellenborough practically unaltered. He would leave his hon. and learned Friend the Solicitor General to speak for himself.

THE SOLICITOR GENERAL said, the hypothetical tenant was introduced by the Parochial Assessment Act, and thus the question arose how saleable underwood should be rated. Say it was cut at the end of every seven years, then if the cutting produced £700, the hypothetical tenant would be rated at £100 a-year. That was the principle on which rent was rated in "*The King v. Mirfield*," and the decision so far was not disturbed by the words of the Parochial Assessment Act, that—

"The rate shall be made on an estimate of the net annual value of the several hereditaments, rated thereunto; that is to say, of the rent at which the same might reasonably be expected to let from year to year."

after deducting therefrom certain rates and taxes and tithe-rentcharge and the average cost of insurance and such repairs and expenses as would be necessary to maintain them in the condition to command such a rent. The question then arose as to how such casual profits as saleable underwood were to be rated. The Judges decided that the words of the Act were not intended to mean that they should not rate any property except at what it could be let for one year; but that they should take the average annual value as the rent the hypothetical tenant should pay. There were a great many decisions on the subject. In the cause of "*The Queen v. the South-Western Railway Company*," Lord Denman said—

"It is clear that the enacting part of the Act introduced no new principle of rating. Both parties appealed equally to this criterion. The provisions of the Parochial Assessment Act declared that the principle of rating was not to be altered or affected by it. It was, therefore, important to consider how, under the law in this case, the company would have been rated if the Act had not passed."

The same thing was laid down subsequently by Mr. Justice Mellor in another case. Substantially, the Parochial Assessment Act had made no alteration in this respect. There were agricultural crops that were not cut within the year, and they must be rated entirely on the same principle as saleable underwood cut every seven years. The average value was to

be ascertained for the term, dividing it by the number of years, less discount. That would give the average sum on which the premises ought to be rated.

SIR HENRY HOARE hoped the Government would accept the proposal on the Paper, that land of the kind in question should not be assessed at a higher value than if it had been used for a plantation or wood. That would make the whole thing clear.

MR. DENT hoped the question would be settled without any legal dispute. The simplest way would be to take the woods at the agricultural value of corresponding land and rate them accordingly.

MR. BEACH thought that, with respect to saleable underwood, it would be best to act upon the law as it stood. It would be manifestly unjust to place the rating on the land rather than on the underwood.

MR. STANSFELD said, there were two questions which seemed to him to have been somewhat confused on the present occasion. One of these questions was, whether it would not be better and simpler to take saleable underwoods out of the Act of Elizabeth, and deal with them by one enactment. He thought that was a question upon which it would be advisable to arrive at a decision before they came to the question as to the method of valuation of plantations and underwoods.

MR. CLARE READ thought it was essential that saleable underwood should be taken out of the Act of Elizabeth; otherwise there would be the danger that ground under the composite crop of saleable underwood and timber might be rated under both of those heads.

MR. BERESFORD HOPE pointed out that, as by the Act of Elizabeth saleable underwood might be rated, and it was proposed by the present Bill to rate plantations, the grower of a composite crop might be rated twice over—as a grower of underwood, and, secondly, as a grower of an acreage of timber, which might be computed to its full extent. He thought that if they repealed that portion of the Act of Elizabeth which exceptionally rated the growing crop of underwood, assessment committees could in each case fairly go into the value of the land. Every tract of woodland should pay one rate, irrespective of whether it was covered with timber or underwood.

MR. GOLDSMID said, he had known in extreme cases, in the county of Kent, underwood of 10 years' growth sold at £1 and £40 per acre; although, in the latter case, of course, the net profit was not £40, but, if the average expenses were taken at 50 per cent it would leave the net value of the land something under £2 per acre, regard being had to the fact that the rent was for nine years a deferred one. From this the House would see what differences existed in the value of the underwood to be rated, and he (Mr. Goldsmid) could only repeat that in his opinion the best way out of them was to take underwood from the assessment and repeal the exemption in the Act of Elizabeth, and allow the land on which underwood and timber grew to be rated and pay all that it ought to pay.

MR. LOPES expressed his dissent from what had fallen from the hon. and learned Gentleman the Solicitor General, with reference to the decision of Lord Ellenborough in regard to the rating of saleable underwood, and asked, if the Parochial Assessment Act was not to apply to the rating of woods and plantations, how the latter were to be rateable? Would the assessment committee rate them upon the principle of what, a tenant from year to year would give for them? The whole thing appeared to him to be left to mere guess-work, so far as the Bill before the House was concerned.

MR. DODSON maintained that underwood should be left in its present position as regarded rating, otherwise, in many cases, owners of underwood would escape with lighter rates than hitherto. The Bill before the House was not one for reducing the rating of underwood.

MR. PERCY WYNDHAM was of opinion that to repeal the Act of Elizabeth, as had been suggested, would be likely to be a dangerous step, seeing it had existed for 300 years, and that a great many judicial decisions had been pronounced upon it. He should support the Amendment, which, if carried, would prevent a double rating.

COLONEL BARTHELOT thought it would be better to leave the Act as it stood with regard to the rating of underwood, because there was no difficulty in understanding the law. If it was saleable underwood it was not to be rated as timber-growing land.

MR. MUNTZ said, the measure they were passing would interfere considerably with the Act of Elizabeth, because one of its most important clauses would make perpetual an annual Act to exempt stock-in-trade from rating. If the Committee were at liberty to make so great a change, surely they might repeal that part of the Act of Elizabeth which referred to underwood, and he did not see how the Committee could meet the difficulty without doing so.

MR. CAWLEY said, the difficulty of the hon. Member for South Norfolk (Mr. Clare Read), in accepting the Amendment of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), might be met by introducing the words, "not being land used solely for the growing of saleable underwood." That would leave such land under the Act of Elizabeth, and land growing timber would come under the measure.

MR. GATHORNE HARDY said, the Amendment of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) was extremely favourable to persons growing saleable underwood and timber together, and he did not think it would effect the object desired. The worst saleable underwood grew along with timber trees; but it was saleable, and therefore would be rated at the lowest rate, while the land would escape so far as the timber was concerned. This was not what was intended; and his impression was, that the best way to deal with the matter was to take care in future rating that we dealt with the land as far as we could, whatever it grew. If we went on balancing one thing against another, as saleable underwood against timber, we should find that we were reducing instead of increasing the rates.

MR. STANSFELD said, that having heard the arguments on both sides of the question, he was disposed to take the view just stated. There would be nothing inconsistent with the provisions of the Bill in taking saleable underwood out of the Act of Elizabeth, the simplicity of which he admitted; but it was felt that to adopt that course, and to enact for the first time that growing underwood should be subject to rateability, would produce some disturbance of the law as it had been laid down by the Courts, and therefore it would be wise to find a solution of the difficulty

without dealing with the Act of Elizabeth. He would suggest that saleable underwood should be left rateable, as now; and that to the Amendment of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) should be added the words, "not being land growing saleable underwood." Then, adopting the suggestion of the right hon. Gentleman, provision should be made for the case of mixed crops of timber and saleable underwood, by declaring that the value of the timber should be included in assessing the value of the underwood. ["Oh, oh!"] He did not say this course might not be open to some objection, but still it appeared to him to be the best.

MR. HUNT said, the plan had not the advantage of simplicity, and he preferred the simpler plan of the hon. Member for South Norfolk (Mr. Clare Read) which followed Scotch precedent. At first, it was denied by the Government that there was any difficulty for the House to solve, but now it was admitted there was.

MR. GOLDSMID said, the plan proposed was so complicated, that no assessment committee in the county of Kent would know how to work it. The plan of the hon. Member for South Norfolk commended itself by its simplicity, and it followed the precedent of Scotland, where land was rated, and not the crop which grew upon it. In fact, it would be just as reasonable to rate the cabbages in a kitchen garden instead of rating the kitchen garden, or the wheat instead of the land on which it grew.

COLONEL RUGGLES-BRISE said, he was prepared, as an owner of woodlands, to submit to an increase of the rates on that portion of his property, on the full understanding that such increase should not be made until the question how far the local burdens were to be relieved by Imperial taxation was settled.

MR. CLARE READ said, he objected strongly to the principle that the same land was to be subjected to a double assessment, as would be the case under this measure.

MR. BOUVERIE said, he was glad that his Amendment had given rise to a valuable discussion. In moving the Amendment, he had pointed out to the right hon. Gentleman that he was proposing to rate not only the woods on

their estimated annual value, but also the land upon which such woods grew. Such a proposal in his (Mr. Bourverie's) opinion was quite preposterous. In the West of England there were vast tracts of underwood which grew upon very poor land, which was fit for nothing else; and the result would be, if those underwoods were rated as well as the land, that every effort would be made to destroy them, which would have a very deleterious effect upon the climate. In France, it having been shown that the destruction of woods rendered the climate arid, there was a positive law to prevent their being cut down. The practical conclusion that he had come to was that if, upon the whole, the Committee preferred the Amendment of the hon. Member for South Norfolk (Mr. Clare Read) under which the land on which underwood grew should be assessed at its rateable value as unimproved land—to that which he had moved, he would withdraw his Amendment.

MR. STANSFELD said, he would accept the Amendment of the hon. Member for South Norfolk (Mr. Clare Read) on the understanding that it was not to be assumed that the Committee, in assenting to the Amendment, expressed any opinion on the subject of how lands covered with underwoods were to be valued.

MR. FLOYER thought that, instead of making progress, the Committee were going back; because last week, on the Motion of the noble Lord the Member for North Derbyshire (Lord George Cavendish) it was decided that land growing timber should not be subject to rates. It was now proposed to take a course which would disturb the assessments in every Union in the whole country, and that for no good at all. As to the rating of woods which had been planted for centuries, who could tell what was their value when they were planted, or what was the improved value of them? If they wanted to assess woods and plantations, let them do so; but do not let them do it in a way which would lead to difficulties and litigation altogether uncalled for. He hoped the right hon. Gentleman the Member for Kilmarnock (Mr. Bourverie) would persevere with his Amendment.

Lord HENLEY suggested the insertion of the following words, "where

ther growing timber or saleable underwood, or both."

MR. HENLEY thought that as the words "growing timber" had been struck out of the Bill, it had become immaterial whether the words which were under discussion were put in the Bill or not.

Amendment, by leave, *withdrawn*.

MR. STANSFELD proposed, in order to carry out the intention of the hon. Member for South Norfolk (Mr. Clare Read) to insert in page 1, line 22, after the words "lands used for plantation," "or for the growth of saleable underwood."

MR. DODSON thought the former Amendment of the right hon. Gentleman the President of the Local Government Board was preferable to that which he had subsequently suggested, inasmuch as the latter appeared to be ambiguous.

MR. HUNT hoped a Law Officer would tell the Committee whether "wood" would not cover saleable underwood.

THE SOLICITOR GENERAL: I think not.

MR. HERMON thought the right principle was to rate land and not woods.

MR. STANSFELD said, that if it were considered desirable by the draftsman that the Amendment should be modified, it should be done on the Report.

Amendment *agreed to*.

Lord GEORGE CAVENDISH moved in page 1, line 22, after "wood," the addition of the following Proviso:—

"Provided, That such land shall not be assessed at a higher annual value than it would have been assessed at if it had not been used as a plantation or wood."

He was willing to accept the Amendment of the hon. Member for South Norfolk (Mr. Clare Read) if the House preferred it.

MR. PERCY WYNDHAM trusted that the Amendment would be withdrawn; because if it were adopted, it would be in the nature of a direction to assessment committees, that they might rate land upon which timber was growing as high as they rated the adjoining land.

MR. CLARE READ said, he believed that there was very little difference between the Amendment and the follow-



ing one which stood in his name; but certainly the Amendment of the noble Lord did not instruct the assessment committee upon what principles they were to assess the land. He proposed, therefore, that the Proviso should run—

“Provided, That the gross value of such land shall be taken to be the rent at which such land might, in its natural and unimproved state, be reasonably expected to let one year with another for agricultural purposes.”

These words followed the Scotch Act, substituting agricultural for pastoral purposes.

Amendment (Lord George Cavendish), by leave, *withdrawn*.

Amendment proposed,

After the word “underwood,” to insert the words, “Provided, That the gross value of such land shall be taken to be the rent at which such land might, in its natural and unimproved state, be reasonably expected to let one year with another for agricultural purposes.”—(*Mr. Clare Read*.)

MR. FLOYER suggested that the condition should be “as pasture or grazing lands.”

Amendment proposed to the said proposed Amendment, by leaving out the words “for agricultural purposes,” and inserting the words “as pasture or grazing land,”—(*Mr. Percy Wyndham*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the said proposed Amendment.”

MR. J. S. HARDY said, he did not like either of the Amendments. He thought it would be more satisfactory for all purposes that land should be valued according to the crop which it carried. He disapproved rating worthless woodland at the value of adjacent land. Woodland in the neighbourhood of comparatively barren fields might be properly assessed at the value of those fields; but it would be obviously improper to assess woodland at the same rate as highly cultivated farms.

MR. J. LOWTHER suggested the time had come when some definition should be given of the words “plantation” and “wood” and “growing timber.” It sometimes took 30 years before a man who planted a wood saw the return of his money, and it was not good policy to discourage the planting of timber. He asked whether the right

hon. Gentleman would object to the addition to the Amendment of the words—“And that no assessment shall be made until a saleable crop has been obtained therefrom.”

THE ATTORNEY GENERAL suggested that none of the proposals which had been made were necessary. A simple principle had already been laid down by which the assessment value would be that which any person would give for the land as a tenant, and upon that value the land should be rated. Hitherto, land occupied for particular purposes had escaped rating altogether; but by the clause land occupied as wood, plantation, or saleable underwood was to be brought into the rating on the annual value which any person would give for it. It was a fallacy to say there was no valuable occupation of a wood except when it was cut down. That formed its greatest value, no doubt, but the produce was gathered at rare intervals. Woodland was used as cover, and it produced lop and top.

MR. HUNT said, he did not know what lop and top a proprietor would get from his property before he felled his timber. There was some timber which grew for three lives before it was cut down, and how could there be a revenue in the meantime out of which to pay the rates? There ought to be some provision introduced to enable a limited owner to cut wood under certain restrictions, otherwise the rating might soon place him in *The Gazette*. He begged to direct the attention of the hon. and learned Gentleman the Attorney General as to the annual value of wood before the trees were cut.

MR. PEASE said, that the Committee had, in that matter, another instance of the blindness with which the Bill had been brought before the House. His right hon. Friend the President of the Local Government Board must know that from 15 to 20 years after a wood was planted, so far from there being any return, there was considerable expense attending it. He would submit that the words “in its natural and unimproved state” should be omitted.

COLONEL EGERTON LEIGH said, they had been so long in a wood and involved in brambles—which in his county they called “lawyers”—that they did not know where they were. In many places the agricultural and pastoral

value of woods was *nil*. In his county (Cheshire), where they had their woods and dingles, there was generally a deep ravine, good for nothing else; but the proprietors were obliged to plant it in order to prevent the cattle getting into danger. A man with whom he had shot in that county had suggested that pheasants ought to be specially bred for the place, with legs of different lengths, so as to enable them to run along the sides of the hills.

MR. KNATCHBULL - HUGESSEN said, that, according to the Amendment of the hon. Member for South Norfolk (Mr. Clare Read), the gross value of the land should be taken to be the rent at which such land might in its natural or unimproved state be reasonably expected to let one year with another for agricultural purposes. In the county of Kent, the land which was planted was not land in its natural or unimproved state, but was very valuable, and such land might be rated far below what was fair, if the Amendment were adopted.

MR. STAVELEY HILL said, he had known several instances in which in the case of a railway which had been found to be unproductive, the Court of Queen's Bench had decided that the land must not be withdrawn from rateability, but must be rated on the same principle as the adjacent land; but he had never known anyone to suggest a mode by which the land could be properly rated, and therefore it had been done by agreement. It would be better, therefore, to let the overseers be guided by their own light rather than attempt to guide them.

MR. MAGNIAC objected to the words "unimproved state." He remembered that in the county from which he came, the underwood was sold to manufacturers frequently for £20 an acre, and it would be very unfair that such land should be regarded as in an unimproved state.

MR. WHARTON observed that if the Amendment were adopted, some of the most valuable crops in England, the willow beds, would be exempted from rateability. It was not at all unusual for willow beds to realize £10 per acre per annum.

MR. CLARE READ quite admitted that willow beds were exceptional, and in his part of the country, they were never regarded as underwood, but were cut every year, just as a crop of hay was taken off the land, and assessed accord-

ingly. He did not mean to say that his Amendment was not open to some objection. It should be remembered, however, that those who had made improvements in woodlands, had done so under the idea that they would not be rateable, and it was not right to take advantage of the improvements they had made to rate them in the manner proposed.

COLONEL BARTELOT wished to know from the hon. and learned Gentleman the Attorney General, how he would deal with copyhold property, where the woods belonged not to the copyholder, but to the lord of the manor? To make the copyholder pay would be manifest injustice.

THE ATTORNEY GENERAL said, he was afraid he would appear rather as a discredited witness, having already made one mistake. Nevertheless he believed there were profitable modes of occupying woods. He would say, if they meant to make a man pay for the value of woods, they should say so and rate him accordingly. It was perfectly true there were copyholds where the trees belonged to the lord, and the copyholder had no right to cut them down. But whatever could be ascertained to be the value of woods in the hands of the occupier, which the overseer would have to ascertain as best he might, that a tenant would give for such an occupation, and the rate should be assessed accordingly.

MR. HUNT thought the principle proposed by the hon. Member for South Norfolk (Mr. Clare Read) was distinct and intelligible—it would be easily understood by the assessment committee, whereas the principle of the hypothetical tenant would be a puzzle which they would be unable to solve, and must lead to the greatest difference of opinion. They could not do better than accept the proposal of the hon. Member for South Norfolk, with the exception of osier beds.

MR. HIBBERT said, the Government would accept the Amendment, if the words "in its natural and unimproved state" were left out, and the words "if it has not been used as a plantation or wood" added. The Amendment would then read—

"The gross value of such land shall be taken to be the rent at which such land might be reasonably expected to let one year with another

for agricultural purposes, if it has not been used as a plantation or wood."

MR. GOLDSMID said, that if the Amendment of the hon. Member for South Norfolk (Mr. Clare Read) was accepted, he should move the addition of the words, "or for the sale of the crops growing thereon," after the words "for agricultural purposes," as otherwise fresh difficulties would be created in rating land on which timber and underwood grew. He agreed with the Government that the Committee must strike out the phrase "in its natural and unimproved state."

MR. BROMLEY-DAVENPORT said, he could not help thinking if the Shah of Persia had been present to-night, witnessing the proceedings of that honourable House, His Majesty must certainly have come to the conclusion that they did not understand what they were discussing. Without going so far as that, he would say, looking to the hopeless complication of this measure, he did not think there was any prospect of such a Bill ever passing into a law.

MR. GOLDNEY said, if the Committee could only know what the intentions of the Government really were, there would be no difficulty in framing words to guide the overseer.

MR. PELL said, he thought the Government must now begin to see that the proposal to refer the Bill to a Select Committee was not unreasonable. Nothing was open to them, as far as he could see, save to accept the very sensible Amendment of his hon. Friend the Member for South Norfolk (Mr. Clare Read).

MR. HERMON said, that, as a rule, it was the worst part of an estate which was planted with wood, and that the fact ought to be taken into consideration when the property came to be rated. Considering the expense of clearing land with the remains of old wood on it, he was of opinion that it ought not to be assessed at more than half the rate of the surrounding agricultural land.

SIR GEORGE JENKINSON thought it would be well, seeing the state of confusion in which the Committee now found itself, that the point should be left open for future consideration. Land ought to be assessed for what it would produce, and not on some fictitious value.

MR. STANSFELD was of opinion that the words proposed by the hon.

Member for South Norfolk (Mr. Clare Read) would, as they stood, operate unfairly. He could not assent to a proposition which would take the valuation out of the hand of the assessment committee by laying down an arbitrary rule. He should be glad if the Committee would accept the view taken by his hon. and learned Friend the Attorney General, and leave the matter to the assessment committees. That would be the easiest course.

MR. HUNT said, he had no doubt it would be the easiest course; but if the Committee itself could not settle the difficulties, he despaired of assessment committees being able to do so. He understood an hour ago that the right hon. Gentleman the President of the Local Government Board was prepared to accept the Amendment, and that it was because of an intimation to that effect that the Amendment of the noble Lord the Member for North Derbyshire (Lord George Cavendish) had been withdrawn.

MR. STANSFELD said, he had not accepted the Amendment, but had stated that the question which it raised was one which in his opinion ought to be settled before that of the method of valuation was raised.

MR. HUNT certainly understood the right hon. Gentleman to favour the Amendment; but, be that as it might, he thought the Government must now acknowledge the wisdom of the course which he (Mr. Hunt) had at the outset recommended—that the Bill be referred to a Select Committee. It would be better the Committee should report Progress, as the right hon. Gentleman who had charge of the Bill was unable to say what he proposed to do.

MR. STANSFELD could not agree that it would have been better to refer this Bill to a Select Committee. He thought the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt) had not shown that if this Bill had passed through a Select Committee they would have avoided the present discussion. That was a question of considerable complication on which practical knowledge was very useful, and that practical knowledge existed in the minds of a great many hon. Members of that House. It was true that the question had taken some time to discuss, but he entirely denied that time had been wasted; and he trusted they might

yet come to a clear decision upon it.

SIR MICHAEL HICKS-BEACH said, that if the Committee had arrived at any conclusion he should not grudge the time that had been spent upon the question. He was, however, still unable to see on what principles the Government desired to have the land rated in the case of growing timber and saleable underwood. The right hon. Gentleman the President of the Local Government Board had unfortunately adopted the proposal of the hon. Member for South Norfolk (Mr. Clare Read) to include saleable underwood in the clause, and it was precisely to that decision that they owed the difficulty in which they now found themselves. Saleable underwood was sometimes an annual crop, and always a crop which might be safely computed upon an annual average, and therefore it had been rated on that average. The law in that respect required no alteration whatever. The question was how land should be rated upon which timber was grown, and no one on his side of the House wished to diminish the rateable value of the land on which saleable underwood was grown. He thought it would have been better to have had this discussion upstairs. At all events, if the Bill had gone before a Select Committee, it would have compelled the Government to make up their minds, and to offer some proposal on the subject. The fairest way out of the difficulty would be to report Progress. [*Cries of "Move!"*] He would accordingly move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir Michael Hicks-Beach.*)

MR. STANSFELD opposed the Motion. The hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) was in error in throwing upon the Government the responsibility of a proposal which came from the Opposition side of the House. He could not accept the Amendment as it now stood, because the hon. Mover framed it when there was no reference to saleable underwoods at all. He believed it would be best to follow the advice of his hon. and learned Friend the Attor-

ney General, and leave these matters for settlement by the assessment committee.

VISCOUNT GALWAY thought that woods and plantations were very distinct, and ought to be rated differently.

MR. DODSON said, that the Amendment proposed by the hon. Member for South Norfolk (Mr. Clare Read), omitting the words "and unimproved," and maintaining the word "natural," would be very applicable to woods and plantations. The difficulty had arisen from dealing with saleable underwood. He would suggest to his hon. Friend to leave out the words "and unimproved," maintaining the word "natural," and then to add at the end of the Amendment, "or for the sale of the underwood growing thereon." The land would then either be rated at its natural value, or the assessment committee, if it found saleable underwood upon the land, might rate it "for the sale of the underwood growing thereon."

MR. HUNT said, the proposition just made might be a very valuable one, but it was entirely new, and he should like to see it on Paper, in order that they might have an opportunity of considering it. The Government had accepted an Amendment which came from his side of the House, and he wished to know what was now the proposal of the Government, if they had a distinct one. If the Government desired to mature their thoughts let them not continue that discussion.

MR. STANSFELD objected to the doctrine that they could never accept an Amendment without reporting Progress, in order to consider what consequential Amendments were necessary. The Amendment of the hon. Member for South Norfolk (Mr. Clare Read) had to be considered under a new aspect, in consequence of their having withdrawn saleable underwood from the Bill; but if they were never to accept an Amendment which required discussion without immediately reporting Progress they would make no progress with the Bill. He thought the words proposed by his right hon. Friend (Mr. Dodson) would precisely meet the case. If they were acceptable to the hon. Member for South Norfolk they would be acceptable to the Government.

SIR MICHAEL HICKS-BEACH said, he would withdraw his Motion for reporting Progress.

Motion, by leave, *withdrawn*.

MR. STANSFELD then proposed to omit the words "and unimproved" from the Amendment of the hon. Member for South Norfolk (Mr. Clare Read).

MR. HUNT rose to Order, and asked what the question strictly before the Committee really was? They were, he thought, discussing the Amendment of the hon. Member for West Cumberland (Mr. Percy Wyndham) on the Amendment of the hon. Member for South Norfolk (Mr. Clare Read).

THE CHAIRMAN explained the question to be that the words "for agricultural purposes," proposed to be left out of the hon. Member for South Norfolk's Amendment, in order to insert, "as pasture or grazing land," stand part of the Question.

MR. CLARE READ said, the hon. Member for West Cumberland (Mr. Percy Wyndham) had gone away from the House and left his Amendment in his (Mr. Read's) hands. He preferred his own words to those of that hon. Member, and therefore he was prepared to withdraw them.

MR. HUNT said, he was of opinion that the Amendment of the hon. Member for West Cumberland (Mr. Percy Wyndham) could not be withdrawn, unless the hon. Member were there to ask leave for so doing.

COLONEL BARTTELOT suggested that the hon. Member for West Cumberland's Amendment should be put and negatived.

MR. GLADSTONE thought there was no real difficulty about the matter. The hon. Member for West Cumberland (Mr. Percy Wyndham) had empowered the hon. Member for South Norfolk (Mr. Clare Read) to deal with his Amendment as he thought fit, and the latter might therefore withdraw it.

MR. DODSON said, it was an inflexible Rule of the House that an Amendment could not be withdrawn except by the Mover. The hon. Member for West Cumberland (Mr. Percy Wyndham) having left the House, they were therefore in this unfortunate position—that his Amendment could not be withdrawn. They had no option but to negative it; and the effect would be

that they could not amend the Amendment of the hon. Member for South Norfolk (Mr. Clare Read) by omitting the words "and unimproved." They might, however, add at the end of the words "or for the sale of the underwood growing thereon."

MR. J. G. TALBOT thought, in the dilemma in which they were placed, they had no course open to them but to report Progress, and take the Committee again to-morrow at a morning sitting.

MR. STANSFELD accepted the interpretation of the Rule of the House given by his right hon. Friend (Mr. Dodson) as authoritative—subject of course to the decision of the Chairman; but they could easily get out of their difficulty without reporting Progress by adding the words "or for the sale of the underwood growing thereon"; and then the words "and an improved" might be struck out on the Report. Would the hon. Member for South Norfolk (Mr. Clare Read) agree to that course being taken.

MR. CLARE READ said he did not think it was at all necessary to omit the words proposed.

THE CHAIRMAN said, that if any hon. Member dissented from the withdrawal on any ground of an Amendment, the Amendment could not be withdrawn. Therefore, even assuming that the hon. Member for South Norfolk (Mr. Clare Read) had the leave of the hon. Member for West Cumberland (Mr. Percy Wyndham) it was quite clear the Amendment could not be withdrawn without the unanimous consent of the Committee. Although the practice of the House appeared to give no precedent for such a case as this, he thought it would be clearly for the convenience of the Committee if, in the accidental or inevitable absence of an hon. Gentleman, another hon. Member were distinctly delegated to withdraw an Amendment, that that authority should be respected.

MR. GOLDNEY informed the House that the late Speaker distinctly ruled that a Member having once moved an Amendment, no other Member could withdraw it.

SIR GEORGE JENKINSON thought it was evident the Government did not know its own mind; and they had better for the present withdraw the disputed question of rating woods until they had had time to consider it.

MR. BEACH said, the easiest course would be to negative the Amendment now, and bring up words afterwards to effect their object.

MR. GLADSTONE said, he thought, on the whole, it would be better not to allow the withdrawal of the Amendment.

Question, "That the words proposed to be left out stand part of the said proposed Amendment," put, and *agreed to*.

Question proposed, "That the words 'Provided, That the gross value of such land shall be taken to be the rent at which such land might, in its natural and unimproved state, be reasonably expected to let one year with another for agricultural purposes,' be there inserted."

MR. STANSFELD then moved to add at the end of the Proviso of the hon. Member for South Norfolk (Mr. Clare Read), "or for the sale of the under-wood growing thereon." He also gave Notice that on the Report, he should move to omit the words, "in its natural and unimproved state," and to substitute other words in their place.

Amendment proposed, to add, at the end thereof, the words "or for the sale of the underwood growing thereon."—(Mr. Stansfeld.)

Question proposed, "That those words be there added."

MR. CLARE READ hoped the right hon. Gentleman the President of the Local Government Board would not omit the word "natural." He did not care so much about "unimproved."

MR. STANSFELD said, the words he proposed were taken almost verbatim from the Act passed for Scotland, where he believed there had been no difficulty in ascertaining the natural value of the land.

MR. MUNTZ said, that to assess the land at the value of the sale of the underwood was a thing far beyond his comprehension. The only solution of the difficulty was to assess the ground itself in all cases.

MR. STANSFELD remarked that the Amendment, as amended, would effect exactly what the hon. Member for Birmingham (Mr. Muntz) desired.

MR. HUNT said, it was a common thing in his part of the country to have timber growing among underwood. If, therefore, the Amendment were agreed to, it would defeat one object of the Bill,

which was to bring timber under assessment.

MR. DODSON said, that the Amendment he had suggested met the difficulty as to what was to be done with composite land, on which there grew both underwood and trees. He proposed that with regard to woods and plantations the assessment committee should assess them on the value of the land for agricultural purposes; but that if the land grew underwood wholly or in part, the committee should have the option of assessing it according to the value of the underwood.

MR. CAWLEY was opposed to leaving such a matter to the discretion of the assessment committee.

MR. HIBBERT pointed out that under the Bill as it stood, the assessment committee would have an option to rate either according to acreage, or on the growth of underwood.

MR. HENLEY said, the discussion showed how utterly complicated the matter was getting, and thought that it would be better to refer the whole Bill to a Select Committee.

MR. PEASE said, that if the Committee adopted the Amendment, they would be running back over half of the ground that they had already traversed. It appeared to him that the Committee ought to rate the land at its value, without reference to what might be growing on it—that was to say, at what it would let for. He would give no alternative to the assessment committee.

MR. RYLANDS said, that timber was an ornamental appendage to large estates; but what the country desired was that it should bear its fair share of rateable burdens, and be brought fairly and fully into assessment.

THE CHAIRMAN reminded the hon. Member for Warrington (Mr. Rylands), that the Question was, that the words "or for the sale of the underwood growing thereon," should be added to the clause.

MR. LIDDELL said, that if the assessment committees were to create a tenth part of the quibbles raised in that House they would never get a rate at all. He was opposed to the principle of laying down rules to guide these bodies too strictly. The hon. Member for South Norfolk (Mr. Clare Read) had not been fairly treated with regard to his Amendment, for he was the only man who had

come forward with a really practical proposal—namely, to rate this land on its agricultural value. The best plan would be to adopt that broad principle, and to leave it to the assessment committees to carry it out.

MR. LOPES wished the Committee to understand how the question stood. They had taken "saleable underwood" out of the Act of Elizabeth, and it was now proposed in this Bill to rate it precisely as it was rated under the statute of Elizabeth. Nothing could be gained by this. Such a course would, if agreed to, result in a piece of legislation which would be a disgrace to the country.

SIR MICHAEL HICKS-BEACH said, that in the case of land covered with underwood, such land could not be rated at its "natural and unimproved" value, for the growth of underwood was an improvement in the value of the land, because underwood would not grow unless it was planted. He should propose to add the words "when used as a plantation or wood." That would fairly separate the two classes of cases.

MR. STANSFELD said, he should propose to substitute the word "growth" for the word "sale," in the proposed Amendment, leaving himself at liberty to propose the necessary consequential Amendments on the Report.

Amendment to the said proposed Amendment amended, by leaving out the word "sale," and inserting the word "growth," instead thereof.

Question put, "That the words 'or for the growth of the underwood growing thereon,' be there added."

The Committee *divided*:—Ayes 88; Noes 74: Majority 14.

Amendment, as amended, *agreed to*.

MR. CORRANCE, in rising to move an Amendment of the 3rd sub-section of the clause, which says that the poor rate assessment shall extend to rights of shooting and fishing, said, he thought it must now be apparent that the desire to refer the Bill to a Select Committee was not unreasonable, and that it was not a satisfactory course to throw these clauses together in the form of a mere outline for the House to fill up. He wanted the clause to be made more distinct, so that assessment committees should not have to hear over again questions which had long been decided in the

Courts. It had not been usual in England to assess these rights; but it by no means followed that such rights did not exist. It had been laid down by the Law Courts that they did, when they were profitable; the Bill added little to these decisions, and it did not define the rights in any way. It therefore became necessary to inquire under what circumstances they could become profitable. It might be imagined from the clause that committees were to assess these rights in all cases; but it could only be intended that they should do so in special cases. His object was to make the clause a little more definite. He did not see why it should not be at once enacted that all shooting should be assessable at the sum at which it was let. That would include the cases of its being in the hands of the occupier of the lands, or the landlord reserving it at a certain value, and of the game being let. In Scotland they seemed to have a clear understanding on this subject, and he himself had been charged by a sharp parish officer 1*s.* 6*d.* poor's rate assessment upon a week's shooting. Nor did he complain of that, for he thought the officials there acted quite within their rights. As far as he had been able to trace, a case unprovided for here was that in which shooting gave an accessory value to a house, and he wished the right hon. Gentleman the President of the Local Government Board to confer on local assessment committees the right of assessing within the Union limits all the enhanced value which the possession of such shooting gave to the house. He therefore moved after the words "fowling, shooting, sporting, and fishing" in the clause to leave out "although," and insert the words "when let separately or as accessory to the annual value of any mansion or dwelling house."

MR. WEST did not think the Amendment necessary, and the effect of it might be disadvantageous, and lead to all manner of difficulties. He thought it better to pass the sub-section as it was.

MR. ASSHETON CROSS said, he objected to rating moors for shooting where they were not let at a rental by the owners for that special purpose, and a profit made thereby. As the clause stood, it would in fact fine a landlord for the possession of such an estate, because the assessment committee might

say—"If you do not let the shooting, you might have done so, and we therefore assess you on the rental you might have had."

LORD GEORGE CAVENDISH said, in his county the owners of moors and shootings, as a rule, did not let them; but reserved them for their own use and that of their friends. He wished that were the universal practice. But he agreed that wherever shootings were let there was a reasonable ground for assessing them to the rates.

MR. J. W. BARCLAY said, the true principle was to bring under assessment all uncultivated land, whether let or not. In Scotland the practice was only to assess game when it was let.

MR. LOPES asked for a definition of the word "severed?"

MR. STANHOPE said, that grouse-shooting in Yorkshire was often of considerably more value than the occupation of the land, and what he wished was that there should be some fair limitation in the mode of assessing the right to shoot, so that an exceptional rent which might be given by the hypothetical tenant should not be accepted as the fair value.

MR. LIDDELL said, that the loud complaints, especially in Scotland, did not arise from landlords exercising their right to preserve game, but from what had become a habit at the present day—namely, letting the right of shooting game. Great capitalists, wealthy manufacturers, took estates entirely for the purpose of preserving game. They paid enormous rents and raised an enormous head of game, and they sold such large quantities of game that they received back a considerable return in the shape of money. That was a system they were free to adopt, but if they adopted it they ought to pay their proper share to the rates. He, however, thought it was a detestable system of selling game at all.

THE SOLICITOR GENERAL explained, in reply to the hon. Member for Launceston (Mr. Lopes), that "severed" meant separated. He supported the clause, for the reason that whether the shootings were let by the owner to a tenant or kept in his own hands, there was equally a profit derived from them, and they ought to be rated. As population and wealth had increased, the desire of sporting had also increased, while

the quantity of land had not increased, and thus the right of shooting had become very valuable. In the old times referred to by the noble Lord the Member for North Derbyshire (Lord George Cavendish), it should be remembered that the sale of game was prohibited; but now game was sent wholesale to the poulterers by owners and tenants of shootings alike, for a profit. The assessment committee would find out what a shooting would let for, and rate it accordingly. The assessment committee would have much more difficult problems to solve than this. It was difficult to say on what principle a proprietor whose shooting brought him in £500 a-year and the land exactly the same sum should pay poor rates on the one £500, but not on the other.

MR. ASSHETON CROSS doubted not that the hon. and learned Gentleman the Solicitor General had a practical knowledge of the law, but did not think he had a practical knowledge of shooting. He (Mr. Cross) was in favour of rating the right to shoot, but care should be taken that great injustice was not done in attempting to rate it. In the cases of properties which were let, there was clearly a rent on which the man ought to pay, and he did not think the assessment committee would have any difficulty in finding out what a landlord could let his shooting for, and assessing him accordingly. But if the assessment committees were bound to rate all those persons also who had the right of shooting over their own land, they could not distinguish how far the owner chose to exercise that right, whether he shot one day in the year or 100.

THE SOLICITOR GENERAL referred to the Parochial Assessment Act to show that where the hereditament was reserved the owner should be rated at the net annual value. If the shooting was let, it would be easy to find out the rent received and rate the owner accordingly.

MR. GATHORNE HARDY said, that if, as the Bill proposed, an addition should be made to the statute of Elizabeth, it should be made when there was a severed right of sporting, because under that statute the right of sporting was assessed in union with the occupation of the soil. That was in accordance with a recent decision. In the case of



the Guardians of Battle, it was held where a landowner occupied his own land and let the shooting, he should be rated for the value of the land, and an addition be charged for the value of the shootings. He appealed, on the ground that having let the shootings they had passed out of his hands, and should not be charged in union with the land; but it was decided that where a profit was made by the game, it should be rated with the land. Therefore it was that the question of severance became very important, and the Courts had not yet decided what was a sufficient severance.

VISCOUNT GALWAY held that it was impossible to determine the value of game on any man's property in order to tax it, when everybody knew that game moved from one property to another, and was not confined to one alone. Game could be taxed only when it was let.

MR. STANSFELD quite agreed with the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy's) statement of the law. This was a question of severance from occupation. It was impossible to accept the Amendment of the hon. Member for East Suffolk (Mr. Corrance). Nothing could be more ill-advised or more opposed to the true interest of the owners of the soil than to make the right of sport liable to rating if let, but not liable if reserved to the owner's use. The exception was not worth proposing; and it would not be creditable, but disastrous if attempted to be carried into effect. He was prepared, however, to amend the Sub-section, by substituting for the word "although" the word "when." As to the method of ascertaining the value, that could be considered at a later period.

MR. HUNT agreed that there ought to be no distinction as to rateability, whether the right of sporting was in the hands of the owners of the soil, or was let to others. The principle advocated by the hon. and learned Gentleman the Solicitor General, that the right of shooting ought to be assessed at what it would reasonably let year by year would involve great difficulty, because it would depend upon the amount of game kept upon the land. He thought that the principle proposed by the hon. Member for South Norfolk (Mr. Clare Read) to assess the land at the full rent which it

might be expected to fetch, irrespective of any reservation of game and timber, was the right principle.

MR. CLARE READ said, that when game was let to the tenant, it paid both rates and taxes; when it was let to a third party it paid taxes, but no rates; but when it was left in the hands of the owner, it paid neither rates nor taxes. In a certain parish, the rental of which was under £1,000, two valuers had recently declared that the difference between the true agricultural value and the value as depreciated by the excessive quantity of game amounted to £340. Under the Amendment of the hon. Member for East Suffolk (Mr. Corrance) that assessment could not be raised, and therefore he could not support it.

CAPTAIN GROVE held with the noble Lord opposite (Lord George Cavendish) that the whole system of rating game where the owner derived no benefit from letting it was wrong in principle.

MR. GREGORY thought that the right hon. Gentleman the President of the Local Government Board was well advised in substituting the word "when" for "although." It would meet all the cases which the Committee contemplated. He should therefore support the right hon. Gentleman.

MR. MUNTZ maintained that the Committee must assess in all cases or in none; and he pointed out that there would be no more practical difficulty in assessing the value of the game, than there would be in fixing the rent at which it would let.

MR. CORRANCE said, he would not press his Amendment if the Committee were adverse.

MR. SCOURFIELD complained that under the Bill, game was not treated on the same principle of rating as was applied to other descriptions of property.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In page 1, line 25, after the word "fishing," to insert the words "Provided, That such rights shall be let to or reserved to others than the occupiers of the soil, and provided that the land where such rights are reserved shall be assessed at a lower annual value for agricultural purposes than it would have been if such rights had not been reserved."—(*Lord George Cavendish*.)

MR. STANSFELD did not think that the Amendment of the noble Lord was necessary, its main object being already

sufficiently met by the terms of the Bill.

MR. LOPES agreed with the right hon. Gentleman the President of the Local Government Board in thinking the Amendment quite unnecessary.

MR. SCLATER-BOOTH, on the other hand, held that it provided for a case which was not met by the proposal of the Government—namely, the case where the game was of no value. The Amendment of the noble Lord the Member for North Derbyshire would have the effect of requiring that there should be a *bond fide* head of game on the property that was to be rated.

MR. CLARE READ said, that he and the noble Lord meant the same thing. He reiterated that they must rate the land and not the produce of the land. In rating the right of sporting they were rating a special product of the land. There were hundreds and thousands of acres of land where the right of sporting was not worth 2*d.* an acre. The difference between the noble Lord and himself amounted to this—that whereas by the noble Lord's Amendment they would have two assessments and two persons assessed, by his Amendment there would be one rating and one person to pay. He thought that if they once departed from the principle of assessing the hereditament according to its value they would get into all sorts of difficulty. How would they know who rented the shooting? Whoever did so might live at a considerable distance from the place, and if they wanted to distrain how would they do so? They could not distrain on the hares and rabbits.

MR. CORRANCE thought the apprehension that had been expressed, that the land might be assessed to its full value, and that there might then be a rate for sporting, was groundless. Wherever sporting rights were reserved there was a corresponding reduction in the rent.

SIR GEORGE JENKINSON observed that the hon. Member for East Suffolk (Mr. Corrance) spoke of arable land, but the case was very different in respect of the dairy lands of his county.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 123; Noes 260: Majority 127.

MR. STANSFELD moved, in line 26, to leave out the words "or ownership," the effect of the Amendment being to extend the Poor Rate Acts to rights of fowling, shooting, sporting and fishing, when severed from the occupation of the soil.

Amendment proposed, in page 1, line 26, to leave out the words "or ownership."—(Mr. Stansfeld.)

MR. W. EGERTON thought the Amendment, which had been suddenly proposed by the right hon. Gentleman the President of the Local Government Board, would not be received with great satisfaction by those who wished to have a fair settlement of this question.

THE SOLICITOR GENERAL said, the hon. Gentleman opposite (Mr. W. Egerton), in his opinion, had not quite caught the meaning of the Amendment. What the Government proposed was, that the right should be rated when the ownership of the soil was severed from the occupation thereof.

MR. LOPES put the case of a lord of the manor who let his right of shooting, so that it became severed from his ownership. Would it not be necessary to retain the words, "or owners thereof," to meet that case?

VISCOUNT GALWAY asked for a definition of the word "sporting" in the clause.

THE SOLICITOR GENERAL said, it was much easier to ask questions of law in the House than to answer them. With regard to the meaning of the word "sporting" in the clause he did not know that it differed from shooting.

MR. HUNT asked, whether the lord of the manor could be said to occupy the commons with respect to which the question of letting arose?

THE SOLICITOR GENERAL admitted that the question would require attention hereafter.

LORD JOHN MANNERS was almost afraid to ask whether the word "sporting" did not include fox hunting?

MR. CAVENDISH BENTINCK complained that the very pertinent question of the noble Lord (Viscount Galway) had been treated with undue brevity by the hon. and learned Gentleman the Solicitor General.

MR. DODSON rose to Order. The Committee had agreed to the section of the clause in which the word "sporting" occurred, and could not go back upon it.

MR. CAVENDISH BENTINCK : Why, then, was not the Solicitor General called to Order ?

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 88; Noes 274: Majority 186.

MR. STANSFELD moved, at end of clause, to add—

"And the said hereditaments which are by this section made rateable to the relief of the poor shall be rateable to the county rate, borough rate, highway rate, and other local rates which are leviable upon property rateable to the relief of the poor."

MR. CLARE READ thought his proposed Amendment respecting game ought to be discussed before another subject was entered into. [*Cries of "Progress."*]

Motion made, and Question proposed, "That the Chairman report Progress."  
—(*Mr. James Lowther.*)

MR. STANSFELD said, he would assent to the Motion.

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

#### PROPORTIONAL REPRESENTATION BILL.

On Motion of Mr. MORRISON, Bill to make provision for the Proportional Representation of the People, and otherwise to amend the Laws relating to the Representation of the People in England and Wales, *ordered* to be brought in by Mr. MORRISON, Mr. FAWCETT, Mr. AUBERON HERBERT, and Mr. THOMAS HUGHES.

Bill *presented*, and read the first time. [Bill 194.]

House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 17th June, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Children's Employment in Dangerous Performances \* (162).

*Second Reading*—Admission to Benefices and Churchwardenships, &c. \* (163); Metropolitan Tramways Provisional Orders \* (139); Local Government Provisional Orders (Nos. 2, 3, and 4) \* (135, 142, 143).

*Report*—Sites for Places of Religious Worship (159).

*Third Reading*—Municipal Corporations Evidence \* (129); Railways Provisional Certificate \* (111), and *passed*.

#### SITES FOR PLACES OF RELIGIOUS WORSHIP BILL—(No. 159.)

(*The Lord Romilly.*)

#### REPORT OF AMENDMENTS.

Amendments *reported* (according to Order.)

THE EARL OF POWIS desired to point out that an Amendment, introduced by Lord Cairns into the first clause, would have the effect of preventing anyone granting a site for a parsonage, unless as part of a grant for the site of a church. There might be a district furnished with a chapel-of-ease, which it would be desirable to erect into an independent parish, but no landowner could there make a grant for a parsonage, the grant of the church site having been already made.

LORD CAIRNS said, that the alteration would not have the effect the noble Earl supposed. At the same time he admitted the desirability of empowering gifts of sites for parsonages only, and would accept any Amendment which the noble Earl might propose at the next stage for that purpose.

THE ARCHBISHOP OF YORK hoped the noble and learned Lord would himself frame the Amendment suggested.

Bill to be read 3<sup>d</sup> on Monday next.

#### CHURCH OF SCOTLAND—PATRONAGE. RESOLUTION.

THE EARL OF AIRLIE rose to call the attention of their Lordships to the Law of Patronage in the Church of Scotland. He assured their Lordships that it was with some reluctance that he submitted to them the Resolution of which he had given Notice, but the post which he had had the honour of holding during the last two years of Her Majesty's High Commissioner presiding over the meetings of the General Assembly, had given him the opportunity of ascertaining the feelings and wishes, not only of the clergy, but also of the laity of the established Church of Scotland on the subject of patronage. When he found that an hon. Member of the House of Commons (Sir Robert Anstruther) had given Notice of a Motion on the subject, he (the Earl of Airlie) thought it might be well if their Lordships, who were fully competent to discuss a question of that kind, should

also have the opportunity of debating it. There was one convenience in eliciting an expression of opinion from their Lordships on the subject, because in this House the interests of patronage were largely represented. He supposed there was in that House scarcely a noble Lord connected with Scotland who had not the patronage of one or more livings, and some Members had in their gift a large number of benefices. The subject was so closely interwoven with the ecclesiastical history of Scotland that it would be necessary for him to trouble their Lordships at some length; but he would state his case as briefly as possible, and he would only touch upon what appeared to him to be the salient points. About 40 years ago this question of patronage, having lain dormant a considerable time, began to attract the attention of Parliament, and in 1834 a Committee was appointed by the other House to inquire into the subject. That Committee was composed of the unusually large number of 40 Members, amongst whom were such eminent men as Sir George Grey and the late Sir Robert Peel. In their Report, which they laid on the Table at the end of the Session, they did not make any specific recommendation—and he believed they did not ask to sit again—but they had taken a large and valuable body of evidence. The very first witness examined was Mr. Dunlop, a member of the Scotch Bar, who afterwards sat for many years in the other House of Parliament. He gave a very interesting and clear statement of the state of things as regarded patronage before the Reformation. He said :—

“The parochial churches of Scotland were prior to the Reformation, divided into two classes. The one class was of “patronage churches,” which were subject to the patronage either of the King or of private laymen, or of Bishops or ecclesiastical bodies, such as abbeys, priories, and chapters. The ministers of such patronage churches were presented by those patrons, and enjoyed the right to the tithes of the benefice as proper rectors or parsons. The rest of the parochial churches had, prior to the Reformation, been conveyed absolutely by the patrons to bishops, to abbeys, and to the different ecclesiastical communities, and annexed thereto, whereby they became what was termed *patrimonial*. The Bishop or ecclesiastical establishment to which they were thus conveyed drew the whole tithes of the benefice, and stood in the place of the parson or rector, while the cure was served by a substitute appointed by the Bishop or ecclesiastical community, or sometimes

merely by a member of such community. The appointment of these stipendiary substitutes was not a civil right of patronage, but an ecclesiastical right of nominating a substitute to perform the duty of these charges whereof the Bishop or ecclesiastical community hold the proper title of parson. As to these patrimonial churches, consequently the patronage no longer existed, and there could be no room for its exercise, because the parochial benefice never became vacant, being always filled, either by the Bishop, as attached to his Bishopric, or by the ecclesiastical community—an undying corporation. The right of patronage therefore of all these annexed or patrimonial churches was in fact sunk, and the right of the original patron entirely relinquished.”

In support of this position Mr. Dunlop quoted Lord Stair, whom he termed the highest authority on the subject. The whole number of parochial benefices at the time of the Reformation was about 940, of which only 262, or between one-third and one-fourth of the whole number, were in the gift of patrons. This distinction was of some importance, because of the legislation which followed thereupon. An Act was passed in 1567, which provided “that the examination and admission of Ministers within this realm be only in the power of the Kirk now openly and publicly professed within the samin.” Subject to reservation, the presentation of the kirk patronage always reverted to the just and ancient patrons. But by the first Book of Discipline, which constituted the law of the Church (1560), each congregation was to elect its own minister, subject to examination by the Presbytery. In 1581 this mode of appointment appeared to have been reversed, and the presentation was made by the Presbytery, subject to the assent of the congregation. On the accession of James VI. to the Crown of Scotland, he began to erect those prelaties which were not bishoprics into temporal lordships, and he conferred on the “lords of erection” as they were called, the patronage of the livings which were annexed to those prelaties. In 1591, to put a stop to these proceedings an Act was passed which declared all such erections, with certain specified exceptions, to be null and void. Notwithstanding the Act, and in spite of the remonstrance of the kirk, the erection of those lordships went on. When he came to the throne of England under the title of James I., he took a further step, and in 1606, when he attempted and partially succeeded in forcing episcopacy on Scot-

land, and in restoring the prerogatives of the Bishops, he gave back to the Bishops the rights of presentation which had been taken from them. Charles I. endeavoured to continue the policy of his father, but he was not successful. He became involved in difficulties with both his English and Scotch subjects—their Lordships would remember the picturesque relation by Sir Walter Scott of the story of Jenny Geddes. He was sorry to say that the latest historians of Scotland threw much doubt on the story, and though not denying the old lady's existence, described her, not as a staunch Presbyterian, but as a red-hot Papist—but in 1638, when Presbyterianism was again established, the appointment of ministers to livings was placed on the same footing as it had been prior to 1606—that was to say, Presbyteries were substituted in the place of Bishops as to the appointment of ministers to bishopric churches on the suit and calling of the congregation. In 1642, when Charles I. found himself in great difficulties with his Parliament, and when he was ready to promise almost anything to the Presbyterians in order to conciliate the Scotch, he agreed that as to the churches under His Majesty, as patron, the Presbytery, with the consent of the congregation, should tender a list of three candidates, of whom His Majesty was to choose one; and he further agreed that as to the highland parishes of Scotland they should present only one person—that was, the Presbytery and the congregation should in fact appoint to the living. In 1649 an Act was passed which abolished the right of patrons to present, and vested the right of election in the people and the Presbytery. By these successive Acts, taken together, patronage might be said to have been entirely abolished. At the Restoration all the Acts from 1640 downwards were repealed, and the King's supremacy in ecclesiastical matters was declared; and in 1662 all the ministers who had been appointed since 1640 were ejected. He (the Earl of Airlie) had now traced the course of events with perhaps somewhat tedious minuteness, because he wished to show that this question of patronage was one which had long engaged the attention of the Scotch people, as well as of their clergy; that the controversy about it was not trifling or superficial, but one whose

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roots lay deep, and because he wished to show also that from a very early period the strength of patronage had varied with the strength of Presbyterianism; that when Presbyterian principles were triumphant, patronage was in abeyance; and that when, on the other hand, the power of the Crown in ecclesiastical matters prevailed, patronage revived. If they marked what followed, their Lordships would not fail to perceive the same close connection between patronage and the power of the law in ecclesiastical affairs. At the Revolution, William III. declared his intention of placing the affairs of the Kirk of Scotland on a footing which should be satisfactory to the people; and immediately on the Convention of 1689 being turned into a Parliament, Prelacy was abolished, the Acts declaratory of the King's supremacy in matters spiritual and ecclesiastical were repealed by an Act of 1690, and the provisions of the Act of 1592, whereby Presbyteries were bound to appoint any minister who might be presented by the King or by a lay patron, were repealed. Patronage was regulated by a subsequent Act of 1690, and the right of presenting was given to the elders along with the heritors of the parish, being Protestants. They were to present a person to the congregation, who were to approve or disapprove, and the whole matter was then to be referred to the Presbytery, who were to decide. The patron was to receive all teinds to which no one else could show an heritable title, and a payment of 600 merks in lieu of the right of presenting, and on obtaining this sum he was bound to execute a renunciation of his right in favour of the parish. Patronage was restored by the Act of Queen Anne. The Act of 1712 passed through the House of Commons almost before anything was known about it in Scotland, and before any effectual steps could be taken; but a strong remonstrance was sent up by certain ministers, and afterwards adopted by the General Assembly. In that remonstrance it was stated that the Act was in violation of the Treaty of Union, by which the constitution of the Kirk was secured. For many years—up to about 1780, he believed—the Assembly continued to protest and remonstrate. The Act was so unpopular that for many years it was hardly ever put in force.

When patrons began to avail themselves of their strict legal rights a very large secession took place, caused in a great measure, though not entirely, by the exercise of patronage. Among the many distinguished Scotchmen who considered that the Act of Queen Anne violated the Treaty of Union were Sir David Dalrymple, Solicitor General, and Lord President Dundas, both of them Commissioners for the Treaty of Union. That opinion had been held by many eminent Scotchmen, amongst whom he might mention Dr. Begg, one of the most distinguished leaders of the Free Church. He, in a pamphlet recently published, stated that—

“The Church of Scotland took instant alarm, being convinced that her worst fears were realized when she saw this Bill first introduced. At a meeting of the Commission of the Assembly, Carstares, Blackwell, and Bailie were sent to London with a strong remonstrance, and instructions to offer the utmost opposition to the measure. But so rapid were the movements of the enemy that by the time they reached London in those days of slow travelling, the Bill had passed the Commons and been taken to the House of Lords. The Lords consented to hear them by counsel on the subject, and although their plea was as righteous as any ever submitted to a human tribunal, so determined were the enemies of the Church that they heard the counsel for these Commissioners, read the Bill a second time, committed it, reported it, and read it a third time, all in one day—namely, the 12th of April. On the 14th it was returned to the House of Commons with Amendments, which being agreed to without opposition, the Bill received the Royal Assent by Queen Anne on the throne on the 22nd of April, the whole transaction being completed in little more than a month.”

For many years the Assembly never ceased to protest against the restoration of patronage. Without pretending to decide whether the eminent men to whom he had referred were right in the construction they put on the Treaty, it was impossible for anyone who looked back on Scottish history from the Reformation down to the time of Queen Anne, not to see that patronage was most flourishing precisely during those periods which a zealous Presbyterian would regard with the greatest dislike and antipathy. It was abolished at the Reformation in respect of the great majority of livings; it was restored by James I. when he endeavoured to force Episcopacy on Scotland; it was abandoned by Charles I. when he was so hard pressed that he was ready to promise anything to the Presbyterians; it was renewed at the

Restoration; it was suppressed by William III. more completely than at any previous or subsequent period; and it was re-instated by the Act of Queen Anne at a time when the doctrine of passive obedience and the highest of High Church dogmas were in full vigour. Looking at these circumstances, there need be no wonder that in the minds of zealous Presbyterians patronage was identified with those things most hateful to that which they designated Erastianism and Prelacy, nor that fervent Presbyterians of the present time should look back to those periods when patronage did not exist as to the palmy days of the Kirk. For about 50 years subsequent to 1780 the subject of patronage seemed to have dropped a good deal out of sight. It was very natural, calling to mind the great and exciting political events that were taking place towards the end of the last and the beginning of this century, that there should not have been much room in men's minds for controversies as to form of Church government. But about 40 years ago it became clear that in Scotland the attention of the people was again being turned to the question of patronage. Then followed in rapid succession the contest about the induction of a minister which was known as the Auchterarder Case, the case of the Strathbogie Minister, and the great Disruption of 1843, when many of the most zealous, ablest, and most learned and distinguished, both among the clergy and the laity, left the Church rather than acquiesce in a state of things which they looked upon as intolerable. Shortly after the mischief had been done Parliament endeavoured to apply a remedy by passing the Act commonly known as Lord Aberdeen's Act. Under that Act, which was now in force, the members of a congregation might object to a presentee, and might lay their objections before the Presbytery, from whom there was an appeal to the Synod, and in the last resort to the General Assembly. These Church Courts might reject or approve of the presentee. No doubt Lord Aberdeen's Act might have checked the abuse of patronage to a considerable extent, but he did not think it could be said that the state of things which it had brought about was altogether satisfactory. On the contrary, it appeared to him that the cases which arose from

time to time under the operations of this Act went far to justify the misgivings which Lord Aberdeen's published correspondence with the late Dr. Chalmers showed that he entertained with respect to the probable working of such a law as that which was now in force. Every presentee was liable to have his settlement disputed in a long and costly litigation. He was liable, moreover, not only to have his abilities and opinions, but also his manner, his voice, his temperament, even his personal appearance, made the subject of most insidious and offensive popular attacks, and this publicly, formally, and in a legal Court, before which every dissatisfied parishioner had a statutory right to bring forward every conceivable objection which might reflect injuriously on the personal fitness of the candidate for his work. It was not too much to say that the working of this statute, so far as it came into actual operation, was most damaging to young ministers, most demoralizing to congregations, and most embarrassing to Church committees, who were invested with a very difficult discretion. Probably many of their Lordships recollected the very amusing speech which was made last year by the Earl of Rosebery on the subject of the Queensferry Case—but such a proceeding was a scandal to the Church. It was not too much to say that a state of law which encouraged proceedings of that kind was most discouraging to young men entering the ministry, was injurious to the Church, and extremely disagreeable to the patrons. The position of a patron was rendered the more unpleasant by the circumstance that in many, probably in most cases, his religious persuasion was not the same as that of the congregation. This state of things, together with some cases of especial scandal, resulted in repeated votes of the General Assembly, carried at first by large majorities, but of late years unanimously, praying that Parliament would relieve the Established Church from the evils of a system which kept up a merely nominal right of patronage at the sacrifice of the best interests of all concerned. There was a recent precedent on a small scale for dealing with patronage. When the Annuity Tax was abolished in Edinburgh a few years ago the town council was deprived of the patronage of certain city churches, which were then vested in

*The Earl of Airlie*

the congregations. The compensation was fixed at first at one year's stipend, but he believed the right of presentation by the council had since been abolished, as nobody could be found who would give anything for the rights. But though he had referred to what was done in the case of the Edinburgh churches by way of illustration, he wished to guard himself against being supposed to indicate that or any other arrangement as the precise kind of arrangement that should be adopted. He had contented himself with pointing out the evils of the existing state of things, and urging the Government to take it into consideration. He did not think he was called upon to indicate the precise mode in which a remedy should be applied. It was clear that any measure dealing with patronage should be brought forward by the Government—for this reason, if for no other, that it was impossible to touch patronage without also touching in some degree the rights of the Crown. It was true that in the exercise of Crown patronage, great regard was always shown to the wishes of the congregation; but still, if they were to deal with patronage, they must to some extent interfere with the strict legal rights of the Crown, and therefore the preliminary assent of the Crown would be necessary. Therefore he said that it was no part of his business to elaborate a scheme for amending the law; it was enough for him to show that the law in its present state had led to serious evils and ought to be altered, and if he had succeeded in doing so, he contended that it was for Her Majesty's Government to take the matter up, and to bring forward definite proposals on the subject. He could not pass from this subject without referring to an interview which took place three or four years ago on the subject of patronage between the present Prime Minister and a deputation on the part of the Established Church. The right hon Gentleman was reported to have asked what would be the position of the Free Church if patronage were abolished? He regretted very much that he had no authentic report of the interview, for everything that fell from the right hon. Gentleman on a matter of this kind was of such importance that it was most desirable to have a distinct and clear exposition of his views. So far as the position of the bodies outside the Esta-

blished Church—who differed from it only on the ground of patronage was concerned, he thought—and he wished to explain that he was only giving his own individual opinion, and had no right to commit or pledge any one else—that if the barrier of patronage were removed, the Free Church or any portion of that body would be justly entitled, if they saw fit, to urge the claims to be placed as nearly as possible in the same position as regarded their rights, their privileges, and their ecclesiastical status as the members of the Established Church. Whether any of them would desire to put forward such a claim, he was not in a position to say; nor did he desire to speculate as to the probable effects of the abolition of patronage on any ecclesiastical body outside the Established Church; but as regarded the Church of Scotland, he believed that her just and legitimate influence would be greatly strengthened if the powers of the congregations were not limited simply to the right of objecting to a presentee, but if they were invested also with the right of taking part in the appointment. He did not wish to indulge in anything like exaggeration, and he did not pretend that the existing law had been the occasion of any very strong excitement, or any violent manifestations of public feeling, but he had endeavoured to show that undoubtedly in very early times patronage was exercised in the case of a few churches both by the Crown and by lay patrons, yet that the tendency of Presbyterian opinion had always been adverse to it, and that the developments given to patronage in the reigns of James I., of Charles II., and of Queen Anne had been denounced almost with one consent by zealous Presbyterians as innovations at variance with the principles of religious liberty, and had been the cause from time to time of most deplorable secessions from the Church. He had endeavoured to show that the law of patronage in its present form was most injurious to the Church, and had given rise to great scandals. He thought it was a most worthy object for Parliament and Her Majesty's Government to propose to themselves that they should endeavour to put an end to those scandals, that they should seek to heal, if they could not repair, the breaches that had been made, and they should try to restore to the Church that mode of ap-

pointing her ministers which the history of Scotland proved to be most in accordance with the wishes of her people. He used the word "restore" advisedly. He sought no novelty; he desired no innovation. He stood upon the old ways of the constitution of the Church. He wished to see abolished that system of patronage, which he believed to be itself an innovation and an encroachment on the ancient rights of the people; and if they should succeed, after many wanderings, in finding their way back to the old path which their fathers trod before them, then perhaps they might hope to see realized in our own land that noble ideal of the great Italian statesman—"a free Church in a free State."

*Moved* to resolve, that whereas the presentation of ministers to churches in Scotland by patrons under the existing law and practice has been the cause of much division among the people and in the Church of Scotland, it is expedient that Her Majesty's Government should take the whole subject into consideration with the view of legislating as to the appointment and settlement of ministers in the Church of Scotland.—(*The Earl of Airlie.*)

THE EARL OF ROSEBERRY, after thanking his noble Friend the Lord High Commissioner for having officially raised the question, said, it might seem a trivial and uninteresting one to Englishmen, but in Scotland the temper and disposition of the people prevented any ecclesiastical matter from being trivial. He lived in what two years ago was the focus of a disturbed ecclesiastical district, and if he went out at one door met with the Queensferry settlement, while at the other he encountered the Cramo d'harmonium case. In Scotland there was no compromise in religious matters, a thing being either true and right or false and wrong. On a former occasion the noble Duke (the Duke of Argyll) gave an eminently discreet answer, avowing sympathy for the subject, but pleading want of time for its consideration. His own short Parliamentary experience, however, had satisfied him that where there was a will there was a way. That measure had been waiting 160 years. Its history was a crying grievance, and it seemed to him that the Government never had a more gratifying opportunity of dealing with a great question and conciliating a great nation than they had at this moment. They would be backed up, he believed,



by the opinion of the country. There was hardly the shadow of an argument against dealing with it. The Government had among them a Minister with a great historic name, and from whom the Scottish people would gratefully accept any measure on that subject. An ancestor of the noble Duke (the Duke of Argyll), some two centuries ago, said he was willing to concede his own patronage; the noble Duke himself had done the same; and it was to be wished that he could leaven other noble Lords with his views on that question. The origin of the Act of 1712 had been graphically described by Lord Macaulay in a speech on Scotch University Tests. It originated in a Jacobite conspiracy, and the head of the Jacobite plot avowed that he was anxious to push the measure forward so as to stir up the resentment of the Scotch people and make them rise on behalf of the exiled dynasty. It was hurried through Parliament in a few days at a period not of railways but of coaches, and those slow coaches, when it was utterly impossible in such a short space of time to obtain any expression of popular opinion from Scotland on the subject. The measure was, moreover, in its language offensive to the Church, being eminently dictatorial, and in its spirit abhorrent to the Scottish nation. The consequence was, that a year afterwards a measure for the repeal of the Union was brought forward in that House, when the numbers were equal, and the Union was only saved by a majority of four proxies. That was soon followed by secessions from the Established Church, until the great disruption of 1843 occurred, when nearly 500 ministers left the Establishment in order to protest against the system of patronage. He did not know how any argument could be brought forward in defence of that monstrous measure. The very preamble of the Treaty of Union showed that there could not be any treaty on the subject, because the Scotch would not suffer any discussion upon it; and so far from the Commissioners having any power in that matter, an Act was passed by the English Parliament to secure for ever, as a fundamental pact of union, the inviolability of the discipline and doctrine of the Scottish Church. The word "discipline" there contained the core of the matter. It was provided by the same Act that every Sovereign

after the death of Queen Anne should take at the moment of accession a solemn oath to observe as inviolate the discipline of the Scottish Church as established by the Act of 1690. If it was urged that patronage had pretty nearly ceased to exist, then there would be no danger in immediately doing away with it by legislative enactment. But if, on the other hand, districts of the country had been set by the ears for a considerable period because of these disputed settlements, it could not be fairly said the system was practically abolished, and they were bound to redress that grievous injustice and that historic wrong. The Act of 1712 had made every Sovereign take an oath which they had been unable to observe, and its spirit was also repulsive to the great mass of the Scottish people. He therefore humbly supported the noble Earl who had brought forward that question.

THE EARL OF DALHOUSIE said, that this was no doubt a matter in which many people in Scotland were deeply interested, and he had himself, when a Member of the other House, brought in on more than one occasion Bills for the purpose of repealing the Act which had been referred to. His object in doing so was not merely to carry out the desire of the great body of the Scotch people, but to prevent the great disruption of 1843, which he then saw to be impending. About the year 1835 there was introduced in the General Assembly, and carried entirely by the party in the Church which seceded in 1843, what was called the Veto Act, which, if it had been confirmed by the Legislature, would have gone far—indeed, he believed the whole way—to prevent that disruption. Since that disruption a great change had come over public feeling in regard to this subject. Before that event, the Established Church of Scotland was the Church of the majority—since 1843 it had assumed a very different position, and had now become the Church of the minority. Since the disruption, the Free Church of Scotland, up to last year, had taken no step to express an opinion on this question of patronage, and as long as the Established Church took no step to bring the matter before the Legislature, the Free Church were content to do nothing to interfere with the Esta-

blished Church. But if this question was to be raised in Parliament—and he trusted the Government would not pledge itself on the subject without due consideration—then a very different state of things would inevitably arise. The cry for disestablishment would be immensely strengthened, and they would not only have the Free Church and the other Presbyterian dissenting bodies joining together in that cry, but they would have it raised to such an extent throughout Scotland that it would become a question which no Government legislating for that country could shut its eyes to. He was no enemy to the Established Church, and did not wish to see it abolished—he would much rather let things rest as they were; but this he would say, that the question as to patronage was now almost dormant. Let them look at the presentations of the Crown under whatever Government—the present or that which preceded it—there was scarcely such a thing as a disputed settlement now under any Government; and why? Because the Crown and the Ministers of the Crown had wisely consulted the feelings of the people, and virtually did for them what, had they the power, they would have done for themselves. It was the same with respect to private patronage. With the exception of the Queensferry Case, to which reference had been made, no case had been, or, he believed, could be, cited of a disputed settlement in Scotland for several years past—certainly his noble Friend (the Earl of Airlie) had relied on no other case. It was the opinion of a great many people that if patronage were abolished the two Churches, the Established and the Free, would come together again. But the resolutions passed by the Free Church in its General Assembly last year showed how little hope there was of such being the case. In one they said that the proposal on the part of the Established Church, with a view to an alteration of the law of patronage, did not affect the grounds of separation which had rendered the disruption necessary; and again, that they had theretofore refrained from promoting any public agitation against the Established Church, but that the question as to the future relations between the Church and State, if once raised, must be determined in accordance with the wishes of the people and in a manner conducive

to the religious well-being and the peace and harmony of the Evangelical Churches. Such being the opinion of the Free Church, it was vain to think that legislation on the subject of patronage in the Church of the minority could do otherwise than raise upon the opposite side a cry for disestablishment which it would be extremely difficult to resist. But if patronage were to be abolished, what system would be set up in its stead? His noble Friends had abstained from giving any opinion upon that point. Were private patrons to be compensated? In whose hands were the elections to rest? These were extremely difficult questions to settle, and he cautioned noble Lords that the answer they might receive would very likely be cited in other cases which might arise hereafter. Upon the whole, therefore, he advised them not to stir the question at that moment when there was no popular feeling in respect of it. He did not say that the majority of the members of the Established Church were not in favour of the abolition of patronage, but they were by no means in harmony, and there was an influential minority in the Church who were decidedly opposed to it. He trusted the Government would give no pledge upon the subject, but that during the Recess they would consider whether legislation was required; and, if they came to the conclusion that it was, then that they would be prepared next Session to make a definite proposal to their Lordships' House.

THE MARQUESS OF HUNTLY disclaimed all enmity to the Free Church of Scotland, as the noble Earl (the Earl of Dalhousie) had to the Established Church: he could not, however, let the statement go forth unchallenged that the Established Church was the Church of the minority. Statistics showed that at this moment the Established Presbyterian Church contained 44·59 per cent of the people of Scotland, while the Free Church contained but 24·45 per cent, and the United Presbyterian 13·08. The average attendance at worship showed a like proportion as between the Churches. He believed the majority of the people of Scotland desired the abolition of patronage, and that the enmity of the Free Church to the question was founded on the conviction that if patronage were abolished many would be drawn to the Established Church who would other-

wise prefer to remain in connection with the Free Church. He took a different view from the noble Earl also in reference to the question of disestablishment, for he was persuaded that if patronage were not abolished disestablishment would ensue. Unless the question were satisfactorily settled the agitation for disestablishment would undoubtedly become more and more general. Upon these grounds he cordially supported the Resolution.

THE EARL OF STAIR assured the noble Earl (the Earl of Dalhousie) that the Queensferry Case was the only one of disputed settlement which had recently arisen. There had been a great many others, but they were not prosecuted, owing to the great expense of the necessary procedure.

LORD NAPIER AND ETTRICK said, that the question now under discussion was one of considerable importance not only to the Church but to the entire people of Scotland. He warned noble Lords—and especially those who sat on the Conservative benches, and whose sympathies were associated with the union of Church and State, that the party in Scotland who advocated the maintenance of civil patronage had no well-founded or honest claim on their approbation or support. The right of civil patronage had been established at three periods of Scottish history—in 1592, again at the Restoration in 1662, and again under the Act of Queen Anne in 1720. At the first-named period the Crown pursued a course of great rapacity, and endeavoured to deprive the Church of those funds which were beneficially and legitimately employed for its own maintenance, and for the education of the people. Under what circumstances was civil patronage re-established in 1662? It was re-established in connection with a corrupt Government, a tyrannical King, and the system of Episcopacy, against the sentiments and wishes and the rights of a great majority of the Scottish people. He was aware that the events, the legislation, and the acts of the Government during the reigns of Charles II. and James II. had been in no inconsiderable measure distorted and discoloured by party historians and popular writers; but nevertheless it was, he thought, abundantly established that the Government of these two Sovereigns in Scotland was, on the whole, an ignoble

and an anti-national Government, which was certainly deserving of reprobation. Again, the re-establishment of civil patronage in 1712 was enacted by Parliament in order to spread discontent in the country, to break up the Union, and to bring back the Pretender. There was no doubt that this constituted a violation of the Treaty of Union; and although he would not go so far as to say that there was in that agreement any Article which might not be modified or repealed by the supreme power of the Legislature of the United Empire, yet it was certain that these particular Articles of the Union which were specified as being of a peculiarly sacred and enduring character ought not to have been interfered with except in response to a strong expression of national feeling. Having now described the historical circumstances under which civil patronage had thrice been re-established in Scotland, he would inquire for a moment into the circumstances under which the rights of the Church and the rights of the people had been asserted. The two principal Acts by which patronage had been abolished in the Church and popular rights re-established, were passed respectively in 1649 and 1690. The date 1649 was certainly not a good augury, and their Lordships would not expect to find that Acts of a wise, temperate, or constitutional character could have passed at that period, either in England or Scotland. It was not his intention to attempt to justify the part which the Church and the people of Scotland took in promoting and prosecuting the civil war, especially during the latter part of it—for he was ready to admit that in the execution of King Charles I. the Church and the people of Scotland were in some degree unintentionally and unwillingly parties, as they were also to the disgraceful surrender of the person of His Majesty to the English army. But he asserted that after the murder of the King the Parliament and the people of Scotland made a special and glorious stand for Monarchy, and that when patronage was abolished in 1649 it was not abolished until after the Parliament and the people had proclaimed King Charles II. The abolition of civil patronage in Scotland in 1649 had in it nothing whatever of a revolutionary character—on the other hand it was in reality an assertion of the monarchical

principle. When patronage was again abolished and the rights of the people re-established in 1690, there was nothing in the change of a revolutionary character. The Revolution of 1688 was in Scotland as in England a transfer of the Crown from a Popish to a Protestant Sovereign, or, in other words, a transfer of the principle and of the feeling of loyalty from one Sovereign who did not deserve it to two other Sovereigns who did. Thus there was no revolutionary association whatever in the abolition of patronage in the year 1690. On the contrary, they who were the strongest upholders of the rights of the congregations were at the same time the strongest supporters of what might be called the Protestant dynasty of the House of Stuart and of the first two Sovereigns of the Hanoverian dynasty. Regarded then in an historical point of view, there was nothing whatever of a revolutionary character in the abolition of civil patronage in Scotland. It was, however, capable of demonstration that the assertion of the rights of civil patronage had been productive of the greatest disorder in the State. It was responsible for the whole of the Presbyterian dissent existing in Scotland at the present moment. That was to say, if there were at this day 1,200,000 Presbyterians separated from the Established Church of Scotland, that deplorable fact was almost entirely due to the restoration of civil patronage. There was, indeed, a small sect of Presbyterians in Scotland, who were properly called Cameronians, who left the Church because they could not recognize the authority of an uncovenanted Government. The secessions of 1753 and 1843 were owing to the assertion of the principle of lay patronage in the Church, and there was no chance of any union which would conciliate the Presbyterian Dissenters in Scotland and the Established Church except its abolition. He was unable to accept the statement of the noble Earl (the Earl of Dalhousie) that the Established Church in Scotland had only a minority of the people of Scotland. In one sense, perhaps, it might be true that she was in a slight minority, if the Episcopalians and the Roman Catholics were taken into account; but the Roman Catholics in Scotland could hardly be said to be Scotch, inasmuch as they were mostly Irish immigrants. Certain it was that

the Established Church was at the present day not only more numerous than any one sect of Presbyterians, but considerably more numerous than all the Presbyterian Dissenters put together. The Established Church was in a very prosperous a very expansive, and a very useful condition: it was doing a great deal of good, and was much more active than any other religious community in Scotland. Still, unless he were greatly mistaken, the Presbyterian Church still contained in its bosom those seeds of distrust which had lurked in it ever since the establishment of civil patronage. His belief was that if the present system were continued, another party would be developed in the Church of Scotland, and another crop of dissent would be produced. There was already in Scotland a powerful movement towards uniting all the sects of Presbyterian Dissenters. The present was a good opportunity, he contended, for the Government to step in and strengthen the principle of Established Churches, and that what the Government should have done in the case of the Irish Church was to adopt the principle of concurrent endowment. He considered that the Government lost a grand opportunity at the time, of placing upon a broader and more durable basis the connection between the Church and the State, and that the country had reason to regret that they did not take advantage of it. He ventured to hope that Her Majesty's Government would take care and not run the risk of making a similar mistake with regard to England and Scotland. It was of the greatest importance, he might add, that the intention of the Government should be made known to the people of Scotland before the meeting of the General Assemblies. For his own part he was convinced that the principle of patronage could never be maintained.

THE DUKE OF RICHMOND was not desirous, after what had been said already on the subject, to prolong the debate, but this was a question of so much importance to the people of Scotland, and one in which he had for several years taken a very great interest, and with regard to which he felt very great anxiety, that he could not refrain from offering a few observations upon it. If he were to look at this question merely from an English point of view, he quite agreed with much that had been said,

He was quite prepared to admit that here the abolition of patronage would be entirely unsuited to the wishes and feelings of the country. But the case of England and the case of Scotland with regard to Church patronage were so entirely different that they could not be considered on the same grounds. He was of opinion therefore that the question of the maintenance or abolition of patronage in Scotland must depend on the merits of the case, and the manner in which the existing system had worked. As a general rule he thought that the principle of appointment to Church livings by individuals on whom rested the responsibility of such appointments—an individual who was responsible not to others alone, but to his own conscience for appointing the best man he could find, and who took a personal interest in the parish to which he appointed a clergyman—such a system of appointment was to his mind about the best that could be adopted. He did not as a general rule believe that patronage which was made the subject of popular elections was satisfactory, and on the whole he preferred that it should be left in the hands of individual patrons. In saying so, however, he was speaking in the abstract; because when he came to look at the question from a practical point of view as connected with Scotland, he was afraid he should have to arrive at a conclusion different from that which he had held for many years, and he must declare his conviction that no matter what good opinion he had of the system of patronage as a system, he thought the time had come when it was not desirable to longer continue that system in that country. He could not shut his eyes to the fact that the General Assemblies of the Church of Scotland had, on several occasions of late years, in an unmistakable and a marked manner given it as their decided opinion that the time had arrived when patronage should be abolished. In a statement drawn up by a committee of the General Assembly—mainly, he believed, at the suggestion of the present Prime Minister—that body asked for the abolition of the existing patronage system as a matter of justice, pointing out that the Church of Scotland had ever maintained the right of the people of Scotland to appoint their own ministers, and hoping that they

would ever continue to do so. Parliament need not go beyond such a positive statement as this. The grievance complained of was not one of yesterday, but had existed for many generations, and he, therefore, was not unwilling to give up patronage in the Church of Scotland. He took that view chiefly on the ground that in many cases—in all cases he was told, in which the Crown was interested—it had virtually ceased to exist. In the more northern parts of the country patronage was, it was true, from time to time exercised. He had himself, on three or four occasions when churches had become vacant, exercised his right of patron, contrary to the wishes of those who desired a different state of things. The ministers he had appointed, however, were men in whom he had the greatest confidence, and he had the satisfaction since of finding that the appointments were in every way suitable, and that the parishioners were happy under them. But when he found that in the bulk of cases the exercise of patronage had become a dead letter, it was, he thought, doubtful whether it ought not to be done away with. Whenever this question was settled, it must be dealt with without reference to either side of politics, but solely with reference to what was best for the spiritual welfare of the people of Scotland. He gathered from the noble Lord who spoke last (Lord Napier) that there was no such thing as a Scotch Roman Catholic.

LORD NAPIER AND ETTRICK said, he had not intended to say that all the Roman Catholics of Scotland were of Irish extraction, but that the bulk of them were. He was quite aware that there was an ancient Roman Catholic population in the Highlands.

THE DUKE OF RICHMOND was proud to say that some of his best friends in the Highlands were Roman Catholics, and they would be astonished if they heard themselves described as Irish immigrants. He protested against their being so described. He regretted to find any of their Lordships entertain the notion that the abolition of patronage would be a step in the direction of a severance of Church and State either in England or in Scotland. He did not believe that any such result would follow the abolition of patronage. He was also sorry to hear the noble Earl

(the Earl of Dalhousie) go so far as to state that the abolition of patronage would not remove the objections which the Free Church held at the time of the disruption.

**THE EARL OF DALHOUSIE:** Certainly not. The abolition of patronage was not the reason why the Free Church separated from the Establishment.

**THE DUKE OF RICHMOND** said, he had always understood that, if not the sole reason, it was one of the main causes of the disruption.

**THE EARL OF DALHOUSIE:** It took its rise from the presentation to Auchterarder.

**THE DUKE OF RICHMOND** said, he could only repeat that he was sorry to find that the abolition of patronage would not be satisfactory to the great body of the Free Church. He had been mainly induced to give his adhesion to the proposal of the noble Earl (the Earl of Airlie) from supposing that a satisfactory mode of effecting the abolition of patronage could be brought about. He agreed that it was the duty of the Government to take this subject in hand, if there was a fair prospect of dealing with it in a satisfactory manner, and in that case no one was more capable of dealing with the question than the noble Duke opposite (the Duke of Argyll). He thought it might be said of him, as of his noble ancestor, the Marquess of Argyll, that—"He made the General Assembly a fair offer, hoping to persuade all good noblemen and gentlemen to do the like." He trusted that the noble Duke might be able to devise some means that might be acceptable to all parties alike. For himself, he gave his adhesion to the proposition because he believed it would have the salutary effect of effecting a union between all Churches which did not differ in doctrine or in Church discipline, and which were now to a great extent opposed to each other.

**THE DUKE OF ARGYLL** said, that although he was unable to vote for the Motion of the noble Earl, and hoped to convince the House that such an abstract Resolution ought not to be adopted, still he was glad that the noble Earl had raised this discussion, and he was sincerely grateful to their Lordships who had added their opinions to the general information which it was desirable

should be made known respecting the subject. It was unnecessary for him to give a historical narrative of the law of patronage of Scotland; but he wished emphatically to point out to their Lordships that the question of Church patronage in Scotland was wholly and absolutely different from that of Church patronage in England. It was separate and distinct, historically, legally, and morally. Historically, it was the fact that lay patronage had not only been the principal cause, but literally the only cause, of all the dissents and schisms that had occurred in the Church of Scotland for a very long period. He denied that even under the present law, the people had no right to a voice in the selection of the clergyman who was to see after their spiritual welfare—he considered that the Act was clear enough on this point; and whenever the popular party had got the upper hand, they always pressed for a settlement giving them a voice in the selection of the minister and their claim had always been recognized. This happened in 1649 and again at the Revolutionary settlement in 1690. What was called the mixed system thereupon grew up, giving the right of presentation to the kirk session and the heritors, with the right of approval or disapproval on the part of the people. Under the Act of 1712 lay patronage was gradually restored, and became exercised almost as absolutely as at any previous time; and it was owing to disputes arising out of the exercise of lay patronage that the great disruption of 1843 occurred. Technically his noble Friend (the Earl of Dalhousie) was no doubt right, but practically the noble Duke (the Duke of Richmond) was also correct in saying that the question of patronage caused the great disruption. The cause of spiritual independence arose out of that question, and the right of patronage was the only point on which the Church courts were likely to come into collision with the civil courts. The only case of appeal he had ever heard of was upon the civil rights of patronage. The questions of patronage and spiritual independence were inseparably united, and one had grown out of the other. His noble Friend (the Earl of Dalhousie) shook his head, but that was a proposition he would maintain in the Free Church Assembly itself. He thought it a most unfortunate cir-

cumstance that the Governments of Sir Robert Peel and Lord Melbourne determined not to entertain the disputes that had arisen between the Church courts and the civil courts of Scotland and the great secession was the consequence. Then, on the principle he supposed of shutting the stable door when the steed was stolen, the Government of the day introduced what had since become known as the Lord Aberdeen Act. It was obvious that this Act gave three modes whereby substantial power could be exercised by the people; one was by simple process of veto upon any appointment; another was an appeal to the Church courts, where the people could state their objections; a third course was to place the matter in the hands of the Church courts, who had power to investigate and adjudicate upon disputed cases. The question now was, had Lord Aberdeen's Act worked satisfactorily? During the thirty years since the Act was passed this point had never been subject to a judicial solution; he believed, however, that it was the intention of Parliament to give to the Church courts full power in such matters, and to give to the people any facility for stating their objections to any appointment that he considered was not suitable to them. His own impression was that had the question been brought before the civil courts, it would have been decided in favour of the power which he considered the Act vested in the Church courts. Until that question was disposed of it could not be positively said that the Act of Lord Aberdeen fell short of the liberal character it was supposed to possess. But although the Act had been passed 30 years, the Church courts had not carried a single appeal to the civil courts. Although the Act was capable of being construed so as to give the Church courts all the power Dr. Chalmers required, that did not remove the main objections to the Act. The exhibitions which were made in the Church courts when the parishioners were cross-questioned as to the nature of their objections were exhibitions of the most obnoxious and degrading kind. They were damaging to young ministers, demoralizing to congregations, embarrassing to Church courts, and very offensive to all parties, and they amounted to a total prohibition of the right of patronage. Out of 52 cases of disputed

settlement which had arisen some were of a trifling nature, but others had led to deplorable consequences and secessions; and that the civil courts had not been appealed to was the fault of the Church courts, and not of the patrons. As one of the three Members of that House who held the largest number of patronages in Scotland—he believed he had the patronage of 30 or 32 parishes—he had already published a letter in which he had offered to place his patronage absolutely at the disposal of the General Assembly so soon as a mode of satisfactory settlement was arrived at. Patronage in Scotland differed from what it was in England historically and legally, and also morally. He felt strongly the impossibility of considering there was any right of property in it, because patronage was an absolute violation of the Treaty of Union which the Church protested against at the time. He did not say there were no objections to the elections of ministers; but there was an important difference between Scotland and England in regard to the force of such objections. In the Church of England a great part of the service was wholly independent of the character and qualifications of the clergyman; the sermon was a small part of the service, and not always the most satisfactory. In Scotland, prayers and everything except the psalmody depended upon the qualifications of the minister; and on this ground it was the more reasonable that the people should have a voice in the selection of their ministers. He remembered an anecdote of three men, all of whom were ultimately Members of that House, and of whom two went to hear the third preach. Towards the end of his discourse this ultimately distinguished person said, "Now, my brethren, I hope you won't go and say 'We have heard an excellent sermon to-day,' and immediately forget all I have said." Upon which one of the two friends exclaimed, "God forbid!" Could that noble Lord have repeated in a Court of Law that short and pithy comment on that sermon? It might be apparent to any man who heard a minister, from the moment he opened his mouth, that he was a mere "stick," and would be of no use in the parish, and yet it would be most difficult to maintain that in a Court of Law. Therefore there was no escape from those difficulties except

by giving a substantive voice or veto in some form to the parishioners. He was not prepared to say that such a veto was not practically allowed under the sanction of Lord Aberdeen's Act; but there were certain strong objections to that Act, and that some change in the present state of things was desirable could not be denied. He was glad to learn from the five speakers on that side of the House—all of them, he believed, having patronage—that they were perfectly willing to agree to any settlement which might meet with the general approbation of Scotland. It might be asked why should the Government not bring in a measure? Well, he did not think there had been hitherto—and he was not sure there was even now—evidence of any such general consent on the subject as would induce the Government to undertake to legislate upon it, and until the General Assembly and people of Scotland were agreed upon some settled plan—some definite mode of dealing with the question—the Government could not be expected to take the matter in hand with a view to legislation. Such an attempt would be no light matter. His noble Friend (Lord Napier) had alluded incidentally to the disestablishment of the Irish Church, and expressed an opinion from which he (the Duke of Argyll) totally dissented—that it would be desirable to confirm the principle of the connection between Church and State by concurrent endowment. He would not now enter into that question, further than to say that although the disestablishment of the Irish Church was proposed by the Government upon grounds purely local and special connected with Ireland, and it was asserted over and over again in every variety of form that they did not admit that any inference was fairly to be drawn from that proposal against the Established Churches in the rest of the United Kingdom, yet, as a matter of fact, the disestablishment of the Irish Church had given an impulse to the action of those bodies which were adverse to all Established Churches. Since that event Motions for disestablishing the English Church had been brought forward in the other House in a spirit and with a support which did not exist before. The Government were not responsible for that, and they had no sympathy with the attacks made upon the Church

of England. The difficulties of legislation in regard to ecclesiastical questions had also increased. Even such a comparatively trivial matter as a Lictionary Bill had encountered a considerable degree of friction in passing through Parliament owing to an exacerbation of feeling. He thought, however, that was but a temporary state of sentiment, and that a re-action in favour of Established Churches had already arisen. People were beginning to see that those Churches were in many respects more liberal and freer than the non-Established Churches. Still, his noble Friend said that no Church dispute was in Scotland deemed small; and he had no doubt that when any ecclesiastical matter was stirred large and serious questions would be raised, and could not be evaded whenever they entered the High Court of Parliament in these times and under present circumstances on any subject apparently trivial affecting the Established Church. On those grounds he did not think it was the duty of the Government to undertake any measure of that kind without grave thought. The Presbytery of Edinburgh, feeling the force of those considerations, had come by a majority of 9 to 7 to a prudent Resolution, declaring that while they admitted the evils of patronage, they were satisfied that other evils of considerable magnitude had arisen from the appointment of ministers to churches where no patronage existed; and that although the existing law of patronage might be worthy of serious consideration, they deprecated any rash or hasty appeal to Parliament in favour of its repeal or modification, more especially as there prevailed so much diversity of opinion as to what substitute for that law would best conduce to the interests of religion. Since that time there had been large divisions in the General Assembly, proving that a strong feeling existed in favour of the modification of the law of patronage; but he was bound to add that when he came to the precise substitute which they would recommend for patronage as regulated under Lord Aberdeen's Act, he did not find the same amount of agreement. He was certain it was not the duty and would not be the wisdom of any Government to undertake to bring in any measure on that subject until they saw their way pretty clearly to its solution, and found that there was



some general agreement as to the nature of the substitute to be provided; because the introduction of any measure which failed would leave the Church of Scotland in a worse position than it now occupied. He could not help hoping that the fair influence of public opinion would do a great deal to remedy the evils which had arisen, and he was sanguine that the present discussion, and also the discussion which might be raised in the other House of Parliament, might induce those who held patronage to exercise it in a wise and discreet manner, and in accordance with the conscientious feelings of the congregations. If that course were invariably pursued he believed that, while avoiding all the difficulties involved in any appeal to Parliament on the subject at that moment, they would hear very little more about that question. He would, therefore, earnestly entreat his noble Friend not to take the sense of the House on an abstract Resolution, which was always inconvenient. The Government would watch the progress of events and the state of opinion in Scotland in regard to that subject, and if it should appear that a solution favourable to the Church, and not otherwise objectionable was open to them, they would, no doubt, take it into their earnest consideration. Since he entered the House that night he had received a communication emanating from the Free Church of Scotland, which he could not help reading. It said that the Free Church Committee on Patronage had unanimously expressed their strong opposition to any Parliamentary action affecting the Established Church of Scotland, which was not adapted to meet the entire ecclesiastical conditions of Scotland. He was bound to say he could not recognize the legitimacy of the representations of the Free Church. Many of his best friends, some of his relations, were members of the Free Church—personally, he had the greatest sympathy with them, and nothing would rejoice him more than to see a scheme which would amalgamate the two bodies; but he did not see that Government should be called upon to do anything simply to induce the re-union of the two Churches. Although the disruption of 1843 might have originated in the dispute about patronage, it did not follow that the repeal of the Act of 1712 would bring back the Free Church to the Established

Church; but if they had been driven out by that system and complained that it was injurious to their spiritual influence, he did not see how it lay in their mouths to object to any modification of it. Of course all religious bodies were jealous of each other, and disliked anything which was for the good of each other. A much more important objection was the opposition of the United Presbyterians, who had drawn up a much more consistent document, for they held absolutely to the voluntary principle, and objected not only to patronage but to Established Churches. But as the Free Church held to the principle of establishment, and had narrowly escaped from the dangers of a secession from within their own body through attempting to enter into a compromise with the Established Church, he did not see that they had a fair *locus standi* for objecting to anything which might bring the Establishment more nearly to the position which they themselves occupied. Having now addressed to the House all the observations he wished to make he would ask his noble Friend to withdraw the Resolution he had brought forward. The noble Earl had attained the object he had in view—and a very important object it had been;—to a certain extent he had obtained a general expression of opinion so far as regarded the matter with which he was concerned, and had accomplished as much as he could hope to effect either by legislation or otherwise. He trusted the noble Earl would withdraw the Resolution.

THE EARL OF AIRLIE said, that after the expression of opinion which had been given by his noble Friend he would withdraw his Motion.

Motion (by leave of the House) withdrawn.

#### CHILDREN'S EMPLOYMENT IN DANGEROUS PERFORMANCES BILL [H.L.]

A Bill to prevent the employment of children in exercises or performances dangerous to life or health in certain cases—Was presented by The Lord BUCKHURST; read 1<sup>st</sup>. (No. 162.)

House adjourned at a quarter past Eight o'clock, to Thursday next, half past Ten o'clock.

## HOUSE OF COMMONS,

Tuesday, 17th June, 1873.

MINUTES.]—NEW MEMBER SWORN—John Carpenter Garnier, esquire, for Devon County (Southern Division).

SELECT COMMITTEE—Civil Service Writers, appointed.

Report—Endowed Schools Act (1869) [No. 254].  
PUBLIC BILLS—First Reading—Game Birds (Ireland) \* [196].

Second Reading—Public Meetings (Ireland) \* [157], debate adjourned; Habitual Drunkards [11], [House counted out].

Committee—Rating (Liability and Value) [146]—R.P.

Considered as amended—Indian Railways Registration \* [168].

Third Reading—Law Agents (Scotland) \* [184], and passed.

The House met at Two of the clock.

MERCHANT SHIPPING ACT, 1871—  
DRAUGHT OF SEA-GOING VESSELS.  
QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, Why the draught of water of sea-going vessels at Bristol, Liverpool, London, and some other ports, is not obtained by the Board of Trade as at Shields, Sunderland, Cardiff, Swansea, seeing that shipowners at the latter places complained of partial reports; and, if he will cause reports to be obtained from all alike?

MR. CHICHESTER FORTESCUE, in reply, said, that under the Act of 1871, which gave authority to the Board of Trade to act in these matters a discretionary power had been clearly and expressly given to the Board as to the extent to which the system should be carried. The Customs had been unable to assist in carrying out the surveys, and therefore the Board of Trade were obliged to rely upon their own officers. If the Board were to undertake to survey every ship in every port in Great Britain a very much larger and more costly staff of officers would be required. The present system was experimental, and its results, as he had reason to believe, were useful. He would remind the hon. Member that in order to influence and check the action of shipowners in the matter, it was not necessary that every individual ship should be surveyed, because the knowledge that a ship might be surveyed at any time was sufficient to produce a very consi-

derable effect; and even under the system of occasional survey a very gross case of overloading was not likely to be passed over by the surveyors. The system had not yet been applied to the port of London; but surveys were made at Liverpool and Bristol, and the Board was increasing its staff of officers at those ports.

CIVIL SERVICE—WRITERS.  
QUESTION.

MR. OTWAY asked Mr. Chancellor of the Exchequer, If he will be good enough to state whether holidays will be granted to all Writers; whether sick leave under special circumstances and medical certificate will be granted to all Writers; whether special rates of pay will be paid to Writers for special work; and whether, when Writers are ordered away on duties, a suitable allowance will be made to them for their travelling expenses?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was happy to be able to answer all the hon. Member's Questions in the affirmative. Several of these things had been done already, and the others they were willing to concede. He would add, however, that these matters were not strictly in the hands of the Treasury, but of the different Departments. If in any case the writers felt they did not get that to which they were fairly entitled and applied to the Treasury, he would endeavour to set matters right.

VISIT OF THE SHAH OF PERSIA—  
NAVAL REVIEW AT SPITHEAD.

QUESTIONS.

MR. BOWRING asked the First Lord of the Admiralty, Whether the Tickets proposed to be issued to Members on the occasion of the Naval Inspection at Spithead in honour of the Shah of Persia, on the 23rd instant, will be transferable, as in the case of the Tickets for the Military Review at Windsor; and, whether, even if the Tickets will not be generally transferable, he will allow such Members as may be willing to surrender their own claims to transfer their Tickets to other hon. Members, to be used exclusively by the latter for their wives or daughters?

MR. GOSCHEN, in reply, said, that there was this great distinction between

the naval review and the military review at Windsor—that in the latter there would be a general distribution of tickets to others besides Members of both Houses of Parliament, which was not the case with regard to the naval inspection. If Members of Parliament were to be allowed to transfer their tickets, the practical effect would be to hand over to them the power of distributing tickets—a privilege which no other persons were to have. That was not what the House itself understood yesterday, neither would it be desirable that such should be the case. With regard to the other point, while facilities would be given to hon. Members to embark on board vessels at Portsmouth, they would have to reach that town by train as they best could.

Mr. BAILLIE COCHRANE said, that on former occasions special trains had been provided for the accommodation of Members of Parliament.

Mr. GOSCHEN said; that there had been a very general expression of feeling on the part of hon. Members that, while they were most anxious to be present on the occasion of the naval inspection, they should defray their own expenses.

In answer to Mr. BOWRING,

Mr. GOSCHEN said, it was very probable that on the closing of the list on Wednesday it would be found that the vessel appropriated to the Members of the House of Commons could accommodate some of the Members' wives and daughters, and he therefore proposed that in that case tickets for Members' wives and daughters should be ballotted for by those Members who had put their names down on the list.

#### VACCINATION ACT (1871).

##### QUESTION.

Srs MICHAEL HICKS-BEACH asked the Secretary of the Local Government Board, Whether the Local Government Board addressed in April last a Letter to the Bridgwater Board of Guardians to the effect that "the Board are not prepared to say that it is open to the Guardians to act upon their own judgment" with respect to successive prosecutions of persons who persist in refusing to have their children vaccinated; whether the Law does not leave it open to the Guardians to act upon their own judgment in this matter; and,

*Mr. Goschen*

on what grounds the Letter of the Local Government Board suggested to the Guardians that, instead of acting on their own judgment, they should be guided by a recommendation of a Select Committee of this House, which was struck out of the Vaccination Act of 1871, and failed to receive the sanction of this House when proposed in the form of a Bill in 1872?

Mr. HIBBERT, in reply, said, that the extract from the letter from the Local Government Board to the Bridgwater Board of Guardians was not accurate, it having omitted the important word "not." The extract should run, "the Board are not prepared to say that it is not open to the Guardians to act upon their own judgment."

Srs MICHAEL HICKS-BEACH said, he hoped the Local Government Board would in future use one affirmative instead of two negatives to express their meaning.

#### THE TICHBORNE CASE—PROSECUTION FOR CONTEMPT OF COURT.

##### QUESTION.

Mr. WHALLEY asked the First Lord of the Treasury, Whether it is with the sanction of the Government that the Attorney General prosecutes Members of this House and others at the instance of the Lord Chief Justice, for expressing their views on the proceedings in the Tichborne case; whether they so act by the advice of the Attorney General, or by what other legal advice they are guided in respect of these prosecutions; and, if he would state to the House the grounds on which the Government proceed in this case?

Mr. GLADSTONE, in reply, said, he thought the Question of his hon. Friend, as it had been printed, had been put under a misapprehension. The Government had nothing whatever to do with the matters to which the Question referred, and this applied to the whole of the three branches of the Question. With respect to the action of the Attorney General, as he (Mr. Gladstone) understood the office of the Attorney General, it was entirely distinct from the action of the Government, and was by no means confined to his intercourse with the Executive Government. There were many duties which the Attorney General had to perform on his own motion, and there

were likewise other duties which he had to undertake in a case like this on the motion of the presiding Judge. His hon. and learned Friend the Attorney General had been kind enough to inform him that the course he had taken in this case was entirely owing to communications from the Judge who had presided at the trial of the suit; and therefore that was a matter of a judicial character appertaining to the conduct of a trial which was now going on. But he likewise learned from the Attorney General that it was quite a mistake to suppose that he had prosecuted or was proceeding against any Member of that House. As to anything said in the House which the presiding Judge might think improper, that was entirely outside the cognizance of the Attorney General. With regard to the more general Question—namely, whether it was desirable or not that public discussions should be held on this matter—he must say that was a matter entirely beyond his (Mr. Gladstone's) cognizance. It must depend entirely upon the rules of procedure in the Court of Justice and the rules of procedure of that House.

RATING (LIABILITY AND VALUE)  
BILL—[BILL 146.]

(Mr. Stansfeld, Mr. Secretary Bruce, Mr. Gwynne,  
Mr. Hibbert.)

COMMITTEE. [Progress 16th June.]

Bill considered in Committee,  
(In the Committee.)

Abolition of Exemptions.

Clause 3 (Extension of Poor Rate Acts to other property).

SIR JOHN ST. AUBYN moved, at end of clause, to add—

"Provided, That where a tin or copper mine is occupied under a lease granted on a reservation wholly or partly of money dues without fine, the gross annual value of the mine shall be taken to be the annual amount of the dues payable in respect thereof; and in the following cases:—1. Where any such mine is occupied under a lease granted wholly or partly on a fine; and 2. Where any such mine is occupied without any reservation of dues, the gross annual value of the mine shall be taken to be such as the assessment committee, overseers of the poor, or other rating authority (acting subject and according to the provisions of the Acts relating to union and parochial and other local assessments,) determine to be the annual amount of the dues in money at which the mine might be reasonably expected to be let without fine on a lease of the ordinary duration, according to the usage of the country."

The hon. Baronet referred to the attempts which had been made by the First Lord of the Admiralty and the hon. Member for West Cumberland (Mr. Percy Wyndham) to pass a measure with regard to the rating of mines. He also mentioned that he himself was the author of a Bill on that subject. The reason why a measure on that subject had not been carried was its inherent difficulty. Some persons would, no doubt, be content to allow their mines to be rated under the provisions of the Bill. But the plan he proposed was that tin and copper mines should be assessed on the royalty, by which he meant the value of a certain fixed proportion of the produce of the mine. This was the only fair mode of assessment. The plan of rating on the principle of the rent which a hypothetical tenant would probably give, could not be adopted, except with a large amount of injustice and inequality. Tin and copper mining presented the greatest contrast with other mining industries. In West Cumberland, for instance, the ore was not found in narrow and uncertain lodes, but in beds or layers, generally speaking of considerable thickness, and the produce of which might be estimated and assessed pretty accurately. But tin and copper were invariably found in lodes which were simply fissures in the earth, extending sometimes for a considerable distance, at varying inclinations, and extending to uncertain depths. These lodes varied in width from half an inch to 20 feet. The metal sometimes became poor and sometimes rich; sometimes the lode would be barren, and sometimes productive throughout its entire course. As an instance of the fluctuating produce of such mines, he might mention that in 1868 a copper mine yielded ore to the value of £3,590; in 1869, only £580. Another copper mine produced in 1868 £12,270; in 1869, £6,700; in 1870, £840. A mine on his own estate produced in 1869, £13,550; in 1866, £337; and seven years afterwards—namely, in 1873, nothing at all. A tin mine which in 1864 yielded ore to the value of £3,300, produced £650 in 1865, and in 1866, £2,478. Another tin mine yielded £10,000 in 1854, £6,500 in 1865, and in the following year £21,600. Another set of statistics, with which he would not trouble the House at any length, showed that 130 tin mines had been worked during the 10 years from

1861 to 1870; but out of these 51 sold no ore in one year, 59 sold none in another, and other years showed a similar result. The state of copper mines was still worse. Out of 160 worked in a particular district between 1861 and 1870, an average of one-half of them were unproductive; in the year 1870, however, the number unworked was 110. What course would be adopted by the assessment committees having to deal with such a state of things as this? Instances had recently occurred of two mines rated at £2,500 and £2,000 respectively, and on appeal the assessments were reduced to £550 and £260. These were instances of the impossibility of rating mines fairly; if the Bill were passed without his Amendment being adopted, the assessment committees would be driven to assess them at the royalty. Why, then, should not the inevitable be made legal? The royalty was the true rent, and the proposal to assess at the royalty was approved by the agriculturists in the districts, the only persons really concerned. Within the last week he had presented Petitions from every single union in the district which he represented (West Cornwall), and those Petitions were universally in favour of rating mines on the royalty. It was not fair to look at this question with regard to one particular mine or union. It ought to be looked at with reference to the largest possible area. Taking the whole of the tin and copper mines in the West of England counties, in Devon, and in Cornwall, he found that in the eight years from 1862 to 1869 inclusive—years of comparative prosperity and adversity—the total value of ores raised amounted to £13,994,000 odd, or, in round numbers, about £14,000,000. The annual value during these years was about £1,743,004. In many cases the money obtained by the sale of the ore was not sufficient to pay the expense of getting it. It had been found necessary to make calls to the amount of £2,502,000. Taking the whole of the tin and copper mines in the counties of Devon and Cornwall as one concern, he found that the loss to the adventurers during those eight years amounted to about £1,834,000—an average annual loss of about £166,000. After that they could not talk of beneficial occupation. The royalty during those years was £702,348. It had been laid down by the House of Lords that

an unprofitable concern was that which neither yielded nor was capable of yielding a profit. Assuming the annual loss on these mines to be less than £166,000—say £125,000—still, how would it be possible to apply the principle proposed by the Government in this Bill to a losing concern like that? He had shown that tin and copper mines could not be rated fairly according to that plan; that the royalty did furnish an adequate standard by which to estimate the value of the mine to the owner; and that in the districts to which his Amendment referred it would give a very much larger sum for rateable purposes than any other. He did not put the matter before the Committee on the ground of the depression of the tin and copper trade at this moment, though it was well known that in the face of an arbitrary system of assessment there were many mines trembling in the balance, which would at once be closed if additional burdens were thrown upon them. His object was to put such rating upon mines as would be fair between class and class, and which would be easily understood and capable of equal application in times of prosperity and times of adversity. He begged respectfully to commend his proposal to the sense of justice of the Government and the Committee. The hon. Baronet concluded by moving his Amendment.

MR. LOPES, in seconding the Amendment, said, he wished to make a few remarks on the legal points involved in the case. Under the statute of Elizabeth metalliferous mines were not rateable, but dues were rateable provided those dues were reserved in kind, and not paid in money. In the year 1872 a decision was given in the Courts, and it was laid down that surplus land and plant were rateable in certain cases. That was the present state of the law. And what did the Bill propose to do? It proposed that in future a mine should be rateable in the same way as any other hereditament; or, in other words, that the adventurers of a mine were to be regarded in the light of a hypothetical tenant from year to year, and were to pay in the same way. But the calculation involved in such a system was one which it was impossible any assessment committee could make. It might be said that rating took place in respect of coal mines. But the case of coal mines

was essentially different from that of metalliferous mines. One day there might be every reason to believe a metalliferous mine highly prosperous, and in a short time circumstances might have so changed that the adventurers would be in despair. How, then, were these mines to be rated? The proper way to rate them was to have regard to the dues paid to the lord. The dues were the basis on which the assessment ought to proceed. He brought in a Bill himself last Session, the object of which was to do away with the existing anomaly with regard to rating mines. The Bill was allowed to proceed to a second reading, and both the President of the Local Government Board and the Home Secretary expressed their approval of its principle. He hoped, then, the Government would accept the Amendment now proposed. He had not the slightest hesitation in saying, from his own knowledge of the county of Cornwall and a large portion of Devon, that if the principle laid down in the Bill of the Government was applied to the mines worked there, it would lead, not only to the hindrance, but to the total destruction of a large portion of the mining industries of those counties.

MR. A. W. YOUNG supported the Amendment. The farmers of Cornwall without exception were in favour of it, so were the towns—at any rate, he could speak for his own. He hoped the Committee would give effect to the unanimous wishes of the people interested in the matter.

MR. BRISTOWE opposed the Amendment. He did not see why tin and copper mines should be subjected to one method of rating and other mines to another. He could not understand why the parishes were to have the benefit of the capital invested by the landlord or the tenant in the improvement of the land, as by buildings, drainage, and similar permanent improvements, and yet were to have no benefit from the capital invested in plant and machinery for winning ore from the mines. He hoped the right hon. Gentleman would not accept the Amendment; for if he did, there would be very great difficulty in carrying out the principles of the Parochial Assessment Act.

MR. A. P. VIVIAN, in rising to support the Amendment of his hon. Colleague (Sir John St. Aubyn), said, he did

so mainly on the ground of the necessity that existed for uniformity of assessment. The plan proposed by the Government of leaving it to the assessment committees to find the rateable value was nothing new; it had had plenty of trial with coal mines, and the result had been anything but satisfactory; some assessment committees proceeded on one system of rating, and some on another. For instance, in the county of Glamorgan there were no less than six different modes of arriving at rateable value in the seven unions. If it was difficult for assessment committees to arrive at rateable value of coal mines it would be much more so in the case of copper or tin mines, and that for several reasons. No one could even approximately form an opinion when such a mine was opened how it would turn out; the value of the minerals themselves was subject to larger and more sudden variations than even coal, which no one could foresee. Then, again, that class of mines in which the mineral was found in lodes were more uncertain in their productive power than other descriptions of mineral property where the mineral was found in beds or known veins or seams as with coal, and the number of abandoned workings in Cornwall and Devonshire showed the very precarious nature of these undertakings. One great cause of the fluctuation in the value of their produce was the quantity of tin and copper imported; the arrival of a large quantity of copper or tin in our ports from Chili or Banca, sometimes lowered the price of the metal so much as to make what were previously flourishing mines in Cornwall, losing concerns. Then, again, strikes in the copper smelting works in Wales had lately seriously affected the welfare of copper mines. The fairest basis on which to rate these mines had for a very long time occupied the attention of those best able to form an opinion, and the unanimous decision arrived at had been to revert to the old basis of dues payable to the lord, which all parties interested agreed in wishing for. The lord's dues, being a proportion of the actual produce of a mine either in kind or money value, rose or fell in value with the prosperity of the mine itself as far as was practically possible, and in this respect they differed materially from the ordinary royalty of a coal mine which was a fixed sum per ton, whatever the

value of the coal itself might be. The lords' dues represented the rent of the lords' underground property as much as the tenant farmer's rent did on the surface. The dues were, moreover, a very full rent in consequence of the power of abandonment which was allowed to the tenant, and, further, the power which the tenant had of disposing to his own advantage of any of the plant which he had erected. He strongly objected to the surface works and buildings being compared to farm buildings; they were the tenants' outlay without which rent could not be paid, and were far more analogous to the farm implements such as steam ploughs, thrashing machines, &c. The surface buildings were not permanent, but very temporary improvements of the property, seeing that a large proportion of the mines were abandoned under five years' working. They further contributed to the sale of the lord's underground freehold from time to time. The best proof of the very temporary value of the most prosperous description of mining property was that it would not fetch in the open market more than 10 or 12 years' purchase, whilst land often fetched over 30 years' purchase. In conclusion, he would impress upon the Committee the fact that mining enterprise in Cornwall and Devon had very much suffered of late years. The Census of 1871 showed a decrease in the population of Cornwall of over 7,000; this arose from emigration, and consisted chiefly of hardworking, experienced and practical men who had left the Duchy and the county of Devon, between 1861 and 1871, to find work abroad, very often leaving their wives and children behind to be supported by the rates. He feared that if any ill-considered basis of assessment were adopted than the lords' dues, the effect would be that they would see a still further emigration of the Cornwall and Devonshire miners, and that the effect of this legislation would be to increase rather than to alleviate the local burdens as was intended. For those reasons he strongly supported the Amendment.

MR. STANSFELD said, he had stated that if from the local and technical knowledge of Members any particular case could be shown to justify in the mind of the House some special method of dealing with it, he did not think it would be for him or the Committee to

refuse to listen to and exercise its judgment upon it. He was prepared to admit that the hon. Baronet (Sir John St. Aubyn) had made out a special case. His hon. Friend had shown the extreme fluctuations in the products of mines of this description, and the exceptional difficulty of any fair, practical, and reasonable method of assessment of them under the ordinary law of the land. Having accepted the Amendment generally, he was not, of course, as yet prepared to state the best form of words in which it should be put; but he would consider the method of phrasing it with his hon. and learned Friend the Solicitor General. Whatever the landlord received, whether money dues or dues in kind, or dead rent, whatever was reserved or paid to the landlord should be the test of the rateable value of the mine. To effect that object some additional words were required to be added to the Amendment. It would also be necessary to state that the value of the mine in one year should depend on the receipts of the year preceding. The main alteration which he would propose was this. The measure of the gross annual value should be the measure of rateable value also, because the difference between the gross and annual value was the cost of the repairs, insurance, and other expenses necessary to maintain the premises in a state to command rent.

COLONEL HOGG said, that the agricultural portion of the community were entirely united in favour of the Amendment of the hon. Baronet (Sir John St. Aubyn). He (Colonel Hogg) was glad the spirit of it had been accepted by the right hon. Gentleman (Mr. Stansfeld).

LORD GEORGE CAVENDISH, as one of the few Members representing a district where dues were taken in kind, suggested that the Amendment should be extended so as to include lead mines also, seeing that out of many hundreds of such mines in Cornwall only two or three were paying.

MR. GATHORNE HARDY said, he thought there was no provision for the case of an owner working his own mine.

MR. STANSFELD replied that that was provided for by sub-section 2.

MR. GATHORNE HARDY said, he did not think that that sub-section met such a case.

MR. PAGET said, he saw no reason why certain mines should be singled out

and exempted from rating on plant and machinery while other mines were still liable to be rated.

Mr. PEASE said, he was not prepared to assent to lead mines being added to the category of mines until those who were interested in lead mines asked that that should be done. In South Durham none of the mines were rated on the shafts and machinery, but on the principle of the rent paid to the landlord, with considerable deductions made. If the principle proposed was carried out, one set of mines would be assessed on the gross rental, and another set would receive the benefit of considerable deductions.

Mr. WHELEHOUSE said, he thought the proposition to set a valuation on stone in quarries an unprecedented one, and he could not understand why it should be included with mines of any description.

Mr. W. B. BEAUMONT said, he thought they might repeal the Act of Elizabeth, and leave all these matters to be settled by the local authorities. It would be presumptuous in him to offer an opposition to the very strong case which the hon. Baronet the Member for West Cornwall had made out, and the mere so as the hon. Baronet's proposition had been accepted by the right hon. Gentleman at the head of the Local Government Board. But he thought the right hon. Gentleman ought to have an opportunity of considering the representations made to him by gentlemen connected with lead and other mines to see whether or not they should be introduced into the clause proposed by the hon. Baronet.

Mr. MUNTZ said, he was heartily glad that the Government had accepted in spirit the Amendment of the hon. Baronet. There was no reason why the provisions as to tin and copper mines should not be applied to lead and other metalliferous mines. If they were not so applied, inextricable confusion would be the result. He utterly dissented from the view that the principle on which this rating was to be carried out should be laid down by the various assessment committees throughout the country, and that on an appeal against them the Court of Queen's Bench should decide what was the law on the subject. That course would lead to another 85 years' litigation. The principle of rating should be determined by the House.

Sir JOHN ST. AUBYN, in reply, said, he thought all questions as to machinery would come to be determined at a more fitting time. He would probably have little difficulty in agreeing to the alterations proposed by the right hon. Gentleman (Mr. Stansfeld); but before he expressed an opinion on them he should like to see them on Paper.

Mr. J. LOWTHER contended that whatever exemption was made in favour of copper and tin mines ought to be extended to jet mines. The difficulty was that no one knew what was the Government plan of rating mines; and, before the Committee proceeded further, he thought they ought to know what the Government plan was. There were many sources of mineral wealth—such as jet mines, stone mines, and gypsum mines—to which it was evident that the attention of the right hon. Gentleman (Mr. Stansfeld) had not been directed.

Mr. R. N. FOWLER said, it was for Gentlemen interested in other mines to bring their case forward, and make the same convincing case which had been made out by his hon. Friend (Sir John St. Aubyn) in favour of tin and copper mines.

Mr. MAGNIAC maintained that the whole case of Cornwall was an exceptional one, standing on its own merits. He trusted that the Committee would refuse to take other mines with the case of tin and copper, and that the Government would adhere to the proposition that mines in which these two metals were found should be treated as separate from others.

Mr. J. LOWTHER contended that he was perfectly justified in saying that other classes of minerals which stood upon all-fours with tin and copper should be entitled to the exemption.

Mr. HUSSEY VIVIAN said, that all metallic ores which occurred in lodes were wrought under precisely the same conditions. It would, therefore, be absurd to legislate for the case of tin and copper only. The principle adopted by the right hon. Gentleman (Mr. Stansfeld) was a just one, and should be made generally applicable to ores which occurred, not in beds, but in lodes.

Mr. MUNTZ agreed with the hon. Gentleman who had just spoken that tin and copper mines ought not to be made exceptional.



MR. LIDDELL pointed out that there was much greater risk and uncertainty in working minerals which ran in veins than those which lay in beds; and therefore he thought it essential that the Committee should not attempt to lay down hard-and-fast principles, but should leave it, as far as possible, to the assessment committees, who knew the local circumstances of each case, and who were perfectly competent to deal with the question, as was shown by the fact that in the county with which he was connected (Northumberland) the assessment of mines had been raised during the last few years by £1,000,000 without any appeal having been made.

MR. PERCY WYNDHAM said, he thought the principle embodied in the Amendment of the hon. Member (Sir John St. Aubyn) would be entirely satisfactory, both to owners of tin and copper mines and other residents in those districts. There need, however, be no interference with the rating of mines the working of which did not partake of the same hazardous character. The royalty paid on a coal mine could only to a limited extent be compared with the rent paid for a farm. In the case of such a mine, the tenant did many things which in a farm would be done by the landlord. A mine might be compared to a tract of moorland which a tenant would take on a long lease at 10s. an acre. The tenant would in that case trench the ground and by outlay would improve it fourfold. The assessment committee would very properly assess him on the improved value. If the occupier of a coal or iron mine had his engines and the cost of sinking the shaft provided by his landlord, he would have to pay a very much higher rent for the mine than he would under ordinary circumstances. He quoted instances to show that the royalty paid for coal mines was in some cases far less than the sum at which the mine was actually assessed at the present time. In one case the royalty was £5,000 and the rated value £5,838; in another case the rateable value would be reduced by one-sixth of the present assessment if the royalty were taken as a basis. It was plain from this that, although the royalty might be a fair basis for Cornwall and copper mines, it would be most unfair for other parts of the country and other mines.

MR. PAGET failed to see why a special principle should be laid down for these cases, and he hoped the President of the Local Government Board would state whether it was intended to lay down the principle proposed only with regard to these particular mines.

MR. STANSFELD declined to discuss the new clause before it was drawn; but he would say that he was unable to commit himself any further than he had gone. He had undertaken to accept the Amendment of his hon. Friend (Sir John St. Aubyn), subject to certain modifications but beyond this he could not go.

SIR MICHAEL HICKS-BEACH asked whether the new clause would be brought up upon Report or in Committee?

MR. STANSFELD said, that he saw no objection to introducing it in Committee.

Amendment, by leave, *withdrawn*.

MR. PEASE moved, at end of clause, to add—

"The gross annual value of a mine rated under this Act shall be ascertained in manner following:—In the case of a mine occupied upon a rent reserved contingent on the annual produce thereof, whether ascertained by weight or measure (any reservation of a minimum certain or fixed rent notwithstanding); the rent payable by the tenant to the landlord annually shall be deemed the gross annual value, until the contrary be proved. In the case of a mine occupied as aforesaid, and of which the rent payable annually to the landlord shall have been proved to be a rent below the reasonable gross annual value of the said mine; or in the case of a mine occupied on a reservation of fine, or partly on fine and partly on the weight or measure produced; or in the case of a mine occupied by the owner thereof; or in the case of a mine occupied by any other mode of reservation; the gross annual value of such mine shall be estimated on the ascertained produce thereof, and upon a computed rent for such produce as if it had been a mine occupied upon a rent reserved contingent upon the annual produce thereof, whether ascertained by weight or measure."

The hon. Member expressed his opinion that it would be far better to lay down some principle than to leave the matter wholly in the hands of the local assessment committees, a course which would be sure to produce discrepancies in rating. He wanted to have it laid down that those who worked their own minerals should be rated on the same scale as those who merely rented them, with the view to one general standard of rating being established in respect to those mines.

MR. STAVELEY HILL said, he thought the Amendment of his hon. Friend the Member for South Durham altogether unnecessary. The judgment of the Court of Queen's Bench in the Great Eastern Railway case had laid it down that the rent of a mine was only to be taken as presumptive evidence of value liable to be rebutted. That was what the Amendment of the hon. Member amounted to, and the terms used were no improvement on the well-known words of the Parochial Assessment Act.

MR. HIBBERT said, the Amendment would lead to a great reduction in the valuation of many collieries. The mode of assessment proposed was one which would not be in the interest of the ratepayer, and would leave a large amount of property, such as buildings and mining plant belonging to the lessor, unrated. He did not think there was any more difficulty in rating iron mines than there was in rating coal mines; the assessment committees were daily adopting an improved mode of doing so, and a great many gentlemen who were interested in the subject, to whom he had spoken, were in favour of leaving the matter to the assessment committees. This Amendment would be introducing into assessment committees a new bone of contention. The Government could not assent to it.

MR. MUNTZ said, he hoped the right hon. Gentleman (Mr. Stansfeld) would consider the question of metalliferous mines generally, and would not make exceptions in the case only of tin and copper.

MR. LIDDELL said, there was great uncertainty in working all minerals; but the uncertainty was greatest in working those which ran in veins. It was essential, therefore, that the Committee should lay down no hard-and-fast line, but should leave the assessment, as far as possible, to be dealt with by local committees acquainted with the local circumstances. In Durham, owing to the recent opening out of mines, the assessment had been raised one million, and there had not been a single case of appeal. This fact showed that no difficulty arose where the assessment was made by local committees.

MR. PERCY WYNNDHAM said, if the present Amendment were carried a reduced rating would be brought about

on coal and iron mines, and that was an alteration to which he hoped the Government would not give their sanction.

MR. BROGDEN said, he saw no difficulty in applying the principle adopted in respect to the rating of coal mines to all other descriptions of mineral.

MR. F. S. POWELL said, he thought it would be most undesirable that any new definitions should be introduced with reference to the rating of mines, as he believed that the principle hitherto applied to coal mines had always worked well.

SIR MICHAEL HICKS-BEACH said, he thought the hon. Member for South Durham (Mr. Pease) was amply justified in bringing this matter under the consideration of the Committee. He would venture to say there was hardly anything in the law of rating so entirely undefined and variable as the mode of rating coal mines. It would be impossible to make the law entirely uniform; but he was confident something might be done in that direction if the President of the Local Government Board would devote the same attention to this matter as he had done to the rating of woods. At the same time, he could not support the precise Amendment proposed by the hon. Member opposite, because its effect would be to rate coal mines on a lower basis than they were at present.

MR. PEASE said, that in placing the Amendment on the Paper, he was actuated only by the desire to secure some uniform system of rating for all mines. Having drawn the attention of the Government to the point, and brought about the brief discussion which had taken place, he should not press the Amendment to a division.

MR. HUSSEY VIVIAN called attention to the fact that, according to a Parliamentary Return, as many as 13 different modes of assessing coal mines were in force. In more than one-third the royalty was taken as the basis; in others the plant was added; in three the letting value was taken. Surely some definite principle should be fixed on?

MR. LIDDELL stated that the Return from which the hon. Member (Mr. Hussey Vivian) quoted was dated 1867, and great improvements had been made during the past six years in some districts. In the North very great progress

had been made, and an intelligible principle had been arrived at. A percentage on the amount of capital invested was added to the amount of coal sold, and from this was deducted a reasonable allowance for keeping up the machinery. That principle had proved sound, inasmuch as it had been long in practice without appeal.

MR. HUSSEY VIVIAN said, the principle was most unjust, because in his county (Glamorganshire) mines were worked by driving in at the side of a hill, and therefore without machinery.

MR. A. F. EGERTON said, the number of appeals were few, and that the matter might be fairly left to the assessment committees, who would, no doubt, arrive at some uniform principle.

SIR MICHAEL HICKS-BEACH said, it was true the Return quoted was seven years old, but no other was in the possession of the House. Hon. Members said the principles on which mines were assessed had been much improved; but on what was the assertion founded? Why had not the right hon. Gentleman in charge of the Bill furnished a new Return, if the present state of things really differed from that which existed when this Return was obtained.

Amendment, by leave, *withdrawn*.

MR. MUNTZ moved, at the end of the clause, to add—

"The word 'mine' shall be held to mean all coal, metalliferous, ironstone, clay, and limestone mines; such mines to be rated at the clear nett annual at which they could be let. The words 'Land used as a plantation or wood for growing timber' shall be held to mean all woods, forests, and ornamental plantations; such land to be rated at the nett estimated value of adjacent lands."

It was a difficult question to say what was a mine, and he did not see how the assessment committees could come to a satisfactory conclusion on the subject.

THE SOLICITOR GENERAL said, the question of what was a mine had been litigated for two centuries, and he thought that the definition had been at last settled. The Courts had decided that, whatever was obtained by open working, such as in a quarry, was not a mine; but that if the material was obtained from beneath the surface by means of shafts then it was a mine, and it would be most unwise to unsettle that interpretation of the term by attempting to re-define it.

*Mr. Liddell*

MR. J. LOWTHER said, that the Solicitor General had stated that the Amendment of the hon. Member for Birmingham was mere surplusage; whereas, in his opinion, it would be positively mischievous.

MR. LOPES said, he thought that if the Bill were ever, unfortunately, to become law, it would furnish a subject for litigation for the next ten years; and he believed that if the Amendment of the hon. Member for Birmingham (Mr. Muntz) were adopted it would add to the confusion.

MR. MUNTZ said, that, after such expression of opinion on the part of the Committee, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

SIR MICHAEL HICKS-BEACH moved to add the following words at the end of the clause:—

"Provided, That the gross annual value of the hereditaments comprised in sub-section (1) shall be ascertained in the manner and on the basis hereafter provided in this Act."

THE SOLICITOR GENERAL explained that it was impossible to accept the Amendment of the hon. Baronet, because its effect would be to make a new law of rating by this Bill, which would be directly contrary to the object of the Government. The Government wished to preserve the law of rating as it had been settled during the last three centuries, and merely to make fresh provisions with regard to those descriptions of property which had hitherto been exempt from rates, but which were now to be rendered subject to them.

SIR MICHAEL HICKS-BEACH said, he was not open to the charge that he proposed a great change in the law of rating. All that was proposed was, that when property was brought under the law of rating it should be rated in a fair and proper manner, and that the law with respect to it should be altered so as to insure its being so rated. Perhaps the words of the Amendment went further than he intended, and therefore he asked leave to amend them so as to make the Amendment refer only to properties "not now rateable."

MR. STANSFELD said, that even then the Amendment would mean more than the hon. Baronet was conscious of, for it would refer to all mines that were rateable for the first time under the Bill,

which did not propose any special rating for iron and other mines. By his general proposition the hon. Baronet would tie them down to re-consider the very question raised by the hon. Member for South Durham (Mr. Pease), by the Amendment already withdrawn.

*Amendment negatived.*

On Question, "That the Clause stand part of the Bill,"

MR. WHEELHOUSE suggested that the Government should consider the expediency of rating itinerant traders who paid visits to towns, did a good trade, and then left them without contributing to the local taxation.

MR. HIBBERT said, the hon. Member should also include travelling menageries.

COLONEL BARTELOT said, the clause as it stood would be unworkable. A great alteration had been made in the Act of Elizabeth by taking saleable underwoods out of it, and therefore we should now be working on a principle which it was not intended to adopt when the Bill was introduced. He hoped that the clause to be brought up would be intelligible.

*Clause ordered to stand part of the Bill.*

Clause 4 (Repeal of 6 & 7 Vict. c. 36, and 32 & 33 Vict. c. 40).

MR. REED moved, in page 2, line 4, to leave out the words "and 'The Sunday and Ragged Schools (Exemption from Rating) Act, 1869.'" He said those words, by which these institutions were exempted from rating, were the result of a compromise, and he thought he was entitled to ask the right hon. Gentleman in charge of the Bill to state the grounds on which he proposed to repeal an enactment of this nature, after it had received the assent of the House by a considerable majority. He could not see any consistency in repealing the Act applying to half those schools. The right hon. Gentleman said the circumstances had entirely changed since that time; but he was quite satisfied that the opinion of the country had not changed, and he was aware of no change except that the Government had determined to abolish all exemptions. But he would remind the right hon. Gentleman that he did not propose to deal with the Act of *Will. IV.*,

by which one-half of the Sunday Schools in the country were exempt.

Amendment proposed, in page 2, line 4, to leave out the words "and 'The Sunday and Ragged Schools (Exemption from Rating) Act, 1869.'"—(Mr. Charles Reed.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. STANSFELD said, he felt bound to leave this question to the decision of the Committee, because the principle of the Bill was the repeal of all exemptions from rating. He was perfectly conscious of the strong grounds urged by the hon. Member in favour of exempting these schools. He admitted the great utility and value of these institutions, and that public opinion, as evidenced by numerous Petitions, was in favour of their being exempted from rating, and he also admitted that the present condition of the law was what his hon. Friend had rightly called a compromise. He should therefore, on behalf of the Government, assent to the Amendment.

MR. COLLINS urged that, as elementary schools established by voluntary subscription saved rates which otherwise must be raised to establish the elementary schools, such schools were in principle as much entitled to exemption as Sunday and ragged schools, the establishment of which was not compulsory.

MR. J. LOWTHER said, he thought the exemptions in the Bill should be extended. He asked the right hon. Gentleman (Mr. Stansfeld) upon what ground he drew a distinction between Sunday and ragged school and other somewhat kindred schools, and upon what grounds exemptions were to be granted to some and not to others? He hoped the Committee would not accept the Amendment in the manner in which it was put, and if they would support him, he would divide on the Question.

MR. PERCY WYNDHAM said, he thought the object of this Bill was to bring about equality and put an end to all exemptions from rating. Sunday and ragged schools might be useful institutions; but the Committee ought to consider that the exemptions of these from rating meant additional rating upon other schools. Some were of opinion that children who had been hard at work all the week had better be

allowed to run in the fields on Sunday than be mewed up in Sunday schools. He did not see why special exemptions should be extended to Sunday schools and not to other institutions. They should legislate in this matter so as to bring about a just equality.

MR. PEASE perfectly agreed with the right hon. Gentleman. In 1869, the House, by a large majority, was of opinion that these schools ought to be exempted from rating, and he thought it was hardly worth while to disturb the compromise then entered into.

MR. LIDDELL said, he could not, in the name of consistency, see upon what ground the Government could exempt ragged schools and not exempt other institutions from rating. He understood they were disposed to exempt ragged schools because the exemption would save the ratepayers. ["No, no!"] Then why exempt them?

MR. COLLINS suggested that the clause should be struck out, and that on a future occasion another clause should be brought up, treating the whole subject of exemptions. Supposing the Committee passed the clause as it stood, would that prevent them in the future from dealing with it? Would it prevent them from considering hereafter the whole question of exemption?

MR. STAVELEY-HILL, while he did not agree with his hon. Friend who had just spoken, did not think his hon. Friend opposite (Mr. C. Reed) had made out a case for exempting ragged schools.

MR. SOLATER-BOOTH said, it was perfectly true that in 1869 ragged schools were exempted from rating; but since then the Elementary Education Act had been passed which required that children should be sent, not to a ragged school, but to a regular elementary school. Therefore, there was no reason whatever for continuing the exemption of ragged schools.

MR. HIBBERT said, the clause dealt merely with what were exemptions at the present moment. The question as to other exemptions was to be dealt with hereafter.

SIR MICHAEL HICKS BEACH said, it might be taken that ragged schools, under the Elementary Schools Act, would very soon cease to exist, so that the matter in dispute was really only the exemption of Sunday schools. Such

an exemption as the law now stood, was equivalent to a grant from the rates in aid of Nonconformist schools alone; for the Sunday schools of the Church of England were generally held in buildings in which, on week-days, education was given which was not gratuitous, and for this reason Church Sunday schools could rarely be exempted under the provisions of the Act. This was so clearly unfair, that he should vote for the repeal of the exemption altogether.

MR. T. HUGHES said, he did not agree with the hon. Baronet who had just addressed the House, and he hoped the Committee would accept the Amendment.

MR. CANDLISH said, he thought there were few cases in which the exemption had not been conceded. The country had not rated the schools which they had power to rate; the opinion of the House had been most emphatic in favour of the exemption; and in spite of the opposition of the two front benches, the second reading was carried by a majority of 157.

MR. MUNTZ said, the right hon. Gentleman (Mr. Stansfeld) had stated that the principle of the Bill was the abolition of exemptions, but he was now giving up the principle, surrendering, as the Solicitor General said, to force. Upon what principle, then, were literary and scientific institutions to be rated? If the principle were abandoned in the case of Sunday and ragged schools, it ought to be abandoned in the case of institutions which had hitherto been exempt, and many of which would be closed if they were subjected to rating.

Question put.

The Committee divided:—Ayes 27; Noes 239: Majority 212.

Committee report Progress; to sit again upon *Thursday*.

And it being now ten minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

*Mr. Percy Wyndham*

## WEIGHTS AND MEASURES ACTS.

## RESOLUTION.

Mr. GOLDNEY, in rising to call the attention of the House to the provisions of the Weights and Measures Acts and to the inexpediency of Superintendents of Police and Police Constables being employed as Inspectors of Weights and Measures under such Acts; and to move a Resolution, said, the subject was one of considerable importance to the commercial and trading community of the country. The great desirability of having a uniform system of weights and measures was admitted; and it had been attempted by successive Governments and Parliaments to secure such a system. In 1760, a standard measure of length was provided, and placed in the custody of the Clerk of the House. No action was, however, taken in reference to it until 1793, when Inspectors of weights and measures were appointed. In 1824, after an inquiry by a Committee of the House, a general Act was passed on the subject, which, however, practically became a dead letter in consequence of no provision being made for the verification and inspection of weights and measures. In 1835, another measure was passed—that which was now in force—under which the weights and measures of the kingdom were regulated. It was a comprehensive measure, and directed that a standard should be provided; that copies should be supplied to the different localities throughout the kingdom; and that certain measures should be adopted for testing and adjusting them, and the different Quarter Sessions throughout the country very freely adopted and very fairly applied it. So matters remained until 1839, in which year the General Police Act was passed, which caused much discussion and gave rise to the apprehension that under it local burdens would be largely increased.

Notice taken that 40 Members were not present; House counted; and 40 Members being found present—

Mr. GOLDNEY resumed: The Act of 1839, instead of being directory, was permissive, and gave power to the Court of Quarter Sessions to put the Act into operation if they thought necessary. The Act had been in operation for years throughout all the counties of England, and was working satisfactorily as a

Police Act; but the magistrates, in order to make it more palatable, proposed some changes. The provisions of the Act of 1835 were that in every county the magistrates should divide the whole area into districts; that over such districts there should be an Inspector, and a complete set of standard weights and measures; and that it should be the duty of the Inspector to attend market towns on certain specified days. He (Mr. Goldney) contended that the effect of having put the execution of the law with respect to this subject into the hands of the police had been in a great many cases to deter fair dealers from bringing their weights and measures to be adjusted owing to their apprehension that they might be summoned for having them incorrect. It appeared, too, that the police fancied it was their duty not to afford any assistance to the trader in adjusting his weights and measures, but rather to detect wherever they could anything like irregularity. The operation of the law under these became so burdensome that a great many Petitions were presented to the House praying for relief. In 1867, a Royal Commission was appointed to consider the subject of weights and measures. That Commission sat five years and published five separate Reports at different intervals. They reported that the whole system was bad, if not vicious; that there was no central authority at all to control the Inspectors; that the weights and measures required skilled persons to deal with them; that it was inexpedient that police duties should be imported into matters which were connected with the commercial system; and that steps should be taken to give facilities to traders to have their weights and measures rectified. The misfortune was that there was no discretion vested in the magistrates in this matter, and a party having in his possession any weights and measures which differed from the proper standard was liable to be punished equally with the man who committed a fraud. The evidence taken by the Commission showed that at one time the convictions in Manchester were so large and vexatious that the tradesmen petitioned the town council to change the system, which was done. At Bath, where the convictions had been intolerable, the new Inspector invited all the traders to come to his office and have their weights and

measures adjusted. They did this willingly, and the Inspector gave it as his opinion that when weights and measures were deficient it arose not from fraud, but in almost every case from accident or negligence. There should be some central control for testifying the qualifications of the testers, and that the duties should be performed with regularity and fairness. The object should be to prevent fraud, and not to encourage its detection, and precautions should be established that persons should not be punished for deficiencies of a venial character. There should be a distinction between those who verified the weights and measures and those who had to inspect them. The scale makers refused, before the Committee, to guarantee the correctness of their weights and measures for six months on the ground that use, and even contact with the atmosphere, would soon place them out of order. One of the recommendations of the Commission was that the Board of Trade should have the appointment of these Inspectors, and it would be desirable that at all events they should pass the Civil Service examination. Some of these police Inspectors had thought it right to enter into the Government Departments. One had entered a post-office and examined the balances used in weighing letters, while another had gone into the Custom House and tested the measures of capacity employed in spirits and wines. In another case one Inspector went into a country banker's in order to examine the weights used for gold. If their powers were really so large there ought to be some security that they were competent to undertake their duties. If the Government thought it desirable to employ these policemen as stampers and examiners it was desirable on every ground to relieve them from their duties as policemen. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Motion made, and Question proposed,

"That it is inexpedient to continue the employment of Superintendents of Police and Police Constables as Inspectors of Weights and Measures."—(*Mr. Goldney.*)

MR. PEEL said, that in the absence of the President of the Board of Trade, the duty devolved upon him of replying to the remarks of his hon. Friend the

*Mr. Goldney*

Member for Chippenham. He admitted that the subject was one of immense importance, and one which, if placed upon a sound and satisfactory basis, would give an amount of satisfaction throughout the country which more apparently important measures had failed to inspire. It was in 1835 that the Act was passed by which the whole inspection of weights and measures was put in the hands of the local authorities, who appointed their local Inspectors; and since that time there had been no material change in the law, although various Committees and Commissions of Inquiry had been appointed and had reported upon the subject. He agreed with the hon. Member that the great object which they should keep in view in regard to this matter was unity, and to a certain extent centralization of authority. If they could have a central authority possessing practical and experimental scientific knowledge, and which could impart such knowledge to and control the local officers, great advantage would be gained; but, considering the number of officers appointed throughout the country, it would be difficult to aim at that unity of system which was so desirable. Among the bodies empowered to appoint Inspectors were the Justices of Quarter Sessions, the Vice Chancellors of the Universities, and the town councils in England; the magistrates, the grand juries, and, in default of them, the Judges of Assize in Ireland, and the justices convened by the Sheriff in Scotland. The remarks of his hon. Friend were chiefly intended to show that under the Act of 1835, officers of comparatively rude character were appointed who were unfitted to perform the delicate duties intrusted to them, and that if it was desired to have an efficient system there must be a control over the officers, who must themselves be of sufficient intelligence to receive impressions from head-quarters. He thought that was a most excellent scheme, and it was the endeavour of the Government to carry out the recommendations of the Royal Commission to which the hon. Gentleman had referred, who, it should be noticed, drew a distinction between the offices which the police were fit to hold, and those for which they were not properly qualified. The Commissioners entertained no objection to the employment of the police

in the inspection as far as fraud or accidental injury of weights and measures was concerned, though they were unanimously of opinion that the duty of verification should be performed by a much higher class of men. He hoped that time might be found, though not this Session, to embody in a Bill the recommendations of the Commissioners, which were of the highest importance to the country at large, and that in the Bill would be clauses containing the spirit and the practical suggestions which the hon. Gentleman had made to the House. In his opinion, they would most successfully meet the wishes of his hon. Friend if they could infuse a portion of the great skill and practical experience of the Warden of the Standards into the officers who might be appointed throughout the country. He hoped the hon. Gentleman would rest satisfied with this explanation, and not press his Motion to a division.

Mr. MUNTZ said, he had not found in town or country any complaint with reference to the inspection of weights and measures. In the larger towns they were attended to in the most admirable manner. They wanted no central authority in this matter. If anything they had too much of it, and they saw its evil effects elsewhere. There was not only the seller but the buyer to be considered, and he wished to know who was to appoint these talented Inspectors proposed by the hon. Gentleman, and who was to pay for them. Weights and measures, taken as a whole, were fairly attended to; and if such was not the case in the county in which the hon. Gentleman resided why did he not, in quarter sessions, move for a committee to inquire into the matter. A very much better case must be made out before the House of Commons would consent to have a central authority dealing with their weights and measures. If they were to go on in that way, in a short time they would have nothing but central authorities. In the counties with which he was acquainted no difficulty whatever was experienced in the matter. Even if they were to appoint a man in London at a salary of £10,000 a-year to superintend the weights and measures of the kingdom mistakes would be made. If hon. Members in their own localities would endeavour to insure accuracy, it would have much more effect than the

appointment of a highly paid central authority.

Mr. HAMBRO said, that in his county (Dorsetshire) there were very few complaints, and the duties were efficiently performed at a very small expense. He agreed with the hon. Member who had just sat down that if hon. Gentlemen in their own localities were to attend to the matter they would do much more good than a central official who would cost the country a great deal.

Mr. SCOURFIELD observed that in his county (Pembrokeshire) he had heard no complaints on this subject. This, however, was an age of grievances of every possible kind; but there was no such practical grievance in this matter that the Board of Trade should appoint a highly-paid official to look after it.

Mr. A. JOHNSTON felt bound to say that within his knowledge there were great complaints of the working of the Act; but, perhaps, the complaints came from tradesmen not as honest as they should be. There might be something in the matter brought forward by his hon. Friend. As payment was exacted from the tradesman, the Inspector was apt to be hard on those who did not come often to have their weights and measures verified.

Mr. GOLDNEY said, that after the assurance which had been given by the Government he would withdraw his Motion.

Motion, by leave, *withdrawn*.

#### CHURCH OF SCOTLAND (PATRONAGE).

##### RESOLUTION.

SIR ROBERT ANSTRUTHER, in rising to call the attention of the House to the present system of patronage in the Church of Scotland; and, to move—

"That, whereas the presentation of ministers to Churches in Scotland by patrons under the existing Law and practice has been the cause of much division among the people and in the Church of Scotland, it is expedient that Her Majesty's Government should take the whole subject into consideration, with a view of legislating as to the appointment and settlement of Ministers in the Church of Scotland,"

said, there was hardly one passage of Scottish history which was as interesting as that which he had the honour of introducing. He thought he could show that it was according to the genius of the Presbyterian Church of Scotland that the election of ministers should be in the



hands of the people. He should be obliged to take the House a long way back to show this. The principle was laid down in the First Book of Discipline. It was also found in the Second Book of Discipline of 1578. It was recognized in the various Acts passed in 1592, under which the Presbyterian form of government had been sanctioned by the civil power, in 1638, 1649, 1660, and in 1690, when patronage was abolished as having been greatly abused. This was the Act—that of 1690—on which he mainly relied. The Act of 1690, besides giving the right of tithes to the patrons, gave a payment of 600 merks when the patronage was removed. The Act, as far as he had been able to ascertain, had been made with the desire of giving full compensation to the patrons, and the same wish existed at the present day. They rested a great deal on the settlements of 1690, and he thought he should be able to show to the House that they only desired to return to the settlement then made. The Union of Scotland and England took place in 1707, and he desired to show that when that Union took effect the Act of 1690 chap. 23, on which he relied, was incorporated in the Act of Union, and they were entitled to demand that every subsequent Act which interfered with it should be repealed if it could be shown that it had worked ill. He thought they might reasonably have supposed that the Act under which the Union was passed in the year 1707 might have remained undisturbed. Such, however, was the troublesome state of affairs at that time, that it was only five years after the passing of that Act when the whole of this solemn compact was thrown to the winds. In 1712 an Act was passed which revived patronage, which undid all the good which had been secured to the Church and people of Scotland by the Act of 1690, and by the previous Act of 1649. He did not wish to characterize that Act by any stronger terms than by stating that it was a violation of the Act of Union. Lord Macaulay had said that the British Legislature violated this Act, and from that change had flowed all that Dissent which now existed in Scotland. The Church had petitioned against its violation almost continuously from that time to the present. He thought he did not say too much when he said that every secession which had taken place from

the Church of Scotland had been more or less due to the Act of Anne. He would not assert that was the only cause of secession; but he would say that at its root lay the objections to the unfortunate Act passed in what was known as the Black Parliament of Anne, in 1712. He might come at once to the unfortunate disruption of the Church in 1843. He would say that, in point of fact, that disruption was due to patronage. In 1842 the General Assembly of the Church of Scotland passed a resolution as to patronage, to the effect that patronage was a grievance, attended with much injury to the cause of true religion, and ought to be abolished. He knew that the question of spiritual independence was very much involved in the disruption of 1843; but he believed that the root of the evil in 1843 and subsequent periods was patronage. He was extremely unwilling to say too much as to the result of the passing of the Act or its repeal. He would like to say a few words as to the motives which actuated him in bringing the matter forward. He heard from all sides that it was a narrow-minded movement; that the Church cared for no one except herself; and that the movement did not deserve the confidence and support of the House. If that was a true description of the movement, he should not have had a hand in it at all. He trusted that he had more liberality. He had sat in the General Assembly of the Church of Scotland for seven years, and he undertook to say that that Church had invariably exhibited a spirit of liberality in this matter, and that their desire was not to benefit themselves, but to find a basis of union with Presbyterian bodies. No such basis of union could be conceived or formed until the Act of Anne was abolished. He did not say what was to replace that Act. It was not for him to enter upon so large a question; but the earnest desire of the Church of Scotland, the only desire by which he was actuated, was to find a basis upon which they could re-construct the Established Presbyterian Church of Scotland. As the Prime Minister would ask him for a proposal, he would say his proposal was to repeal the Act of Anne and to fall back on the settlement of 1690, which was thoroughly well known and approved in Scotland, leaving to the Church the responsibility for making regulations for

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the election of ministers. This step would remove the great obstacle to the union of the Established with the Free Church and the United Presbyterian Church, which were separated by differences that were microscopic; it would enable any former minister of the Established Church to accept office in it; and, as regarded others, a simple resolution of the General Assembly would enable them to do so. That morning he should have made a different statement; for he should not have supposed it possible that those who had attained freedom by extraordinary sacrifices could wish to prevent others doing so by constitutional means. In the course of the day, however, he had received a resolution of the Free Church Committee, who, far too wise to object to the dealing with the Act of Anne, or to the abolition of patronage, deprecated any Parliamentary action "not adapted to meet the entire ecclesiastical condition of Scotland"—a very vague and ambiguous phrase. What action would be adapted to meet that condition if the repeal of the Act of Anne would not? for it was the one thing to which every section of the Presbyterian Church was opposed. If any member of that Committee sat in this House he would be bound to support this Resolution. The Committee of the Synod of the United Presbyterian Church had drawn up a document of a far more consistent character. It referred to the disestablishment and disendowment of the Established Churches of England and Scotland. The views of United Presbyterians, as consistent volunteers, were entitled to the highest respect; but he wanted to know whether the Government or the House desired the disestablishment of the Established Churches of England and Scotland. Why, the House, only a very few weeks ago, had decided by an overwhelming majority against any such proposal. The Committee of the Synod of the United Presbyterians went on, however, to say that

"The Established Church of Scotland has done nothing to warrant its being aided by the general citizenship and the members of other Churches to an enlargement of the statutory powers."

He knew well the loss which the Established Church of Scotland sustained through the disruption of 1843; but if she had not been rooted deeply in the

affections of the people, if she had not been doing a good, a great, and a glorious work, the throes of that great disruption would have destroyed her. In 1843 that Established Church had 924 original parishes, 42 Parliamentary chapels, and other chapels and preaching places, to the number of 233, making a total of 1,189; and since 1843 she had erected 37 of those chapels into parishes, and endowed new parishes to the number of 182, at a total cost of £673,000. The same Church had built upwards of 200 new chapels, at a cost of from £1,500 to £2,000 apiece. Yet they were told that she was not entitled to be aided, and was not doing her duty in the country. That statement was, he thought, unfounded, and one which it was unworthy of the United Presbyterian Body to make. It was urged that there was no feeling among the people of Scotland against lay patronage; that there had been no public meetings about it; and that all that movement was within the Church herself. He would admit that there had not been a great outside agitation on the question; but it was not the habit of the Church to get up great agitations. Moreover, the system of patronage was practically abolished now. Appointments to all the Crown livings were made at the instance of the Home Secretary. When a Crown living fell vacant the Home Secretary sent down to ask what the people wished, and to say that if they would name an acceptable and proper candidate, he would appoint him. Practically, therefore, the Crown patronage was in the hands of the people, and in a large majority of instances the same was the case with the private patronage. But if the existing system had been found to be so bad and unworkable that it had been already virtually abandoned, why should the rights of the people rest upon the caprice of the Crown or of any individual patron? The principle for which he contended was recognized by Sir James Graham's Act, which was passed in 1843. With these facts before them, he wondered that anybody should suppose that the system would not work well. It would be objected to his Motion that there was nothing in it referring to the Act of Anne; but, on the other hand, if he had proposed any specific action, it would have been said that some other course would be a great

deal better. He had, however, indicated the way in which he wished to proceed, and for his proposal he hoped to have independent support from both sides of the House. If no Liberal Motion could be made by a Churchman, and no liberal Motion could be supported by anybody who sat opposite, he was sorry for it. They had not, he supposed, a monopoly of wisdom on his side of the House. When he found a Motion which he believed to be essentially good, and which ought to be passed in the interest of the Church of Scotland and of Liberal principles within and without that Church, he was not ashamed of receiving support from Gentlemen opposite. His great desire was that the Government should undertake to deal with this subject. He knew his right hon. Friend at the head of the Government would say he was so burdened with work that it was impossible for him to undertake to do so; but he (Sir Robert Anstruther) did not expect the Motion to be accepted in its entirety upon the first occasion of its being presented to Parliament. This was a matter worthy of the consideration of the Government. It was a matter which interested the great mass of the Scotch people. The measure he recommended was a liberal measure, notwithstanding it was supported by hon. Gentlemen on the other side of the House. He believed it to be a measure which would heal ecclesiastical differences in Scotland to a large extent, and the Government which carried such a measure—whether the present or a succeeding Government—would earn the gratitude and esteem of the people of that country. The hon. Baronet concluded by moving the Resolution of which he had given Notice.

MR. GORDON seconded the Motion.

Motion made, and Question proposed,

"That, whereas the presentation of Ministers to Churches in Scotland by patrons under the existing Law and practice has been the cause of much division among the people and in the Church of Scotland, it is expedient that Her Majesty's Government should take the whole subject into consideration, with a view of legislating as to the appointment and settlement of Ministers in the Church of Scotland."—(Sir Robert Anstruther.)

MR. M'LAREN objected to the Resolution on account of its extreme vagueness. It only said that the Government

should be requested to take the matter into consideration with a view to legislation. It said nothing as to the direction which that legislation should take. It was a mere abstract, unmeaning Resolution. Instead of a Resolution for a plan it was a Resolution fishing for a plan—suggesting that the Government should find what his hon. Friend was unable to find himself. His hon. Friend had said that all would be right if the Act of Anna were abolished; but why did he not ask the House to say so in his Resolution? Again, his hon. Friend quoted the General Assembly of the Church of Scotland as being favourable to his Motion; but their resolutions from year to year showed that they regarded the movement in which he was engaged with horror. In 1869, they resolved that the election of ministers should be by a committee of heritors, elders, and male communicants, giving at the same time some effect to the opinions of the permanent community. It would be observed that the female communicants were excluded from a share in the nomination; whilst in the United Presbyterian Church and in the Free Church female communicants took part in the election of ministers. That resolution was affirmed in the two following years, and last year they resolved that the election of ministers should be held "according to the views of the Church," that was to say, not by popular vote, but by the election of heritors, elders, and male communicants. His hon. Friend had read and communicated a resolution which he said had been that day passed by the Free Church. He would remind his hon. Friend that resolutions communicated by telegraph were not always correct. He (Mr. M'Laren) had received a letter from a leading member of the Free Church written yesterday, telling him what was to be done next day, and the course which would be adopted, and which threw more light on the matter than the telegram did. The correspondent said they would object to this movement as essentially an attempt to alter the existing state of things in the direction of a rehabilitation of the Established Church. They objected to the rehabilitation as a delusive one, and they objected to the authority of Parliament being applied to for any Church purpose, and in particular they would regret it as a serious mistake on the

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part of the Government if they lent any countenance to the movement. The correspondent said the effect of the movement, if taken up by Parliament, would be to leave the greater part of the Church to expand, and would expand it in the sense of disestablishment. [*Cries of "Name!"*] He should be happy to give the name to any hon. Member if he wished it. At the last Assembly there was a great discussion on the subject, and three forms of resolution were submitted, all strongly condemning the Established Church as an establishment. The strongest of the three resolutions was adopted by a large majority. His hon. Friend seemed to represent the United Presbyterian Body as having observed a discourteous attitude towards the Established Church; and he also dilated on the progress achieved by the Church itself. Now, on the last occasion when this subject was discussed, he stated that the Church had advanced greatly, as seen by the fact that in the previous year it had collected £250,000. But in the comparison of the United Presbyterian Body and the Church of Scotland, it was right to remember that the Church of Scotland had 1,200 ministers, while the United Presbyterians had but 500; and that while the Church collected £250,000, the Presbyterian Body collected £100,000 more. The Established Church was not justified, therefore, he thought, in coming to Parliament as *par excellence* the Church of the people, and as entitled to be put on a more advantageous footing than all the other religious bodies in Scotland. He hoped, therefore, the Resolution would be negatived.

MR. O. DALRYMPLE was anxious at the outset to say that those who were favourable to the Motion were under obligations to his hon. Friend the Member for Fife-shire (Sir Robert Anstruther) for bringing it forward, and expressed his satisfaction that a subject which was associated in Scotland with so much controversy, and which required a delicate and tender handling had been introduced in a speech which left nothing to be desired. The hon. Member for Edinburgh had charged the Motion with vagueness; but his hon. Friend had, he thought, exercised a wise discretion in not widening too much the field of discussion; and he must on his part complain of the vagueness of the

speech of the hon. Member for Edinburgh (Mr. M'Laren) inasmuch as he devoted his time not to answering the speech of his hon. Friend, but details of a scheme which was not before the House, and that he quoted the letter of some distinguished correspondent, a member of the Free Church, a communication which he expected would have great weight with the House, and then declined to give the name of the writer. He (Mr. Dalrymple) recognized in the tone of the letter, the tone of the printed communication from the Free Church, which had already been quoted. He was not sorry that some delay had occurred in bringing forward the question, because it was well that public opinion with respect to it should have time to ripen in Scotland. It was well that the general assembly of the Church of Scotland should have the opportunity in five successive years of declaring by decisive and deliberate majorities in favour of the change; it was well that the subject should have received something of a rebuff and check. Some years ago on the occasion of a memorable deputation to the right hon. Gentleman at the head of the Government, if it had the effect, as he believed it had, of sending back the Committee upon Patronage to Scotland, to reconsider the whole matter to look again into the history of the question, to summarize and condense it for their use in Parliament, and to make quite sure of the state of feeling throughout the country upon the subject. Now, however, the right time had arrived, because public opinion had become matured, and because the Church of Scotland was engaged in busy and successful work. Those who now advocated change were not doing so on behalf of a decrepit institution, but of one which was at once venerable and full of life, and which merely asked for that restoration of her liberty which she deemed to be necessary for the exercise of her natural powers. But there was another reason which at first seemed to tell against their case. Why the time was well selected for his hon. Friend's Motion. There never was, perhaps, a time when patronage was better administered in Scotland than at present, not only by private individuals, but by the Crown; but he did not mention that fact as an argument for retaining patron-

age, because he held that a score of what were called harmonious settlements did not outweigh the evils of one disputed settlement, and a disputed settlement was always possible under the present system. What he wished to urge was that if the change were made, while patronage was being well administered, they might hope that the change would be effected without heart-burnings, that they might pass as by an easy transition from the old system to the new, without that sort of wrench which follows upon exasperation of feeling, and upon a sense of disappointment and injury. After all the demand was natural, for obviously no persons could be so interested in the appointment of a minister as those who were to profit by his ministrations. What he looked for was a popular system, such, for example, as the nomination of a committee in every parish, elected by as wide a body of electors as the people pleased, a committee who, in the event of a vacancy, should have the choice of the minister. By this system the evils of canvassing, cajolery, and the abuses of a popular election would be avoided. With regard to "females," as the hon. Member had called them, he must be a bold man who proposed to exclude them from having a "say" in the election of a minister. Some people thought it a matter for humiliation to have to come to Parliament in matters of this kind. It was alleged that the members of the Established Church liked to hug their fetters. For his part, he denied there were any fetters. He had always been of opinion that the State benefited more by its alliance with the Church than the Church did by its alliance with the State; but for the present it might suffice to say that the question which was raised to-night was one of such delicacy and difficulty that he would not like to trust its settlement to any body less important than the Imperial Parliament. There might be difficulties in the way of the settlement of the question; but at least it was important now to ask for the opinion of Her Majesty's Government upon it. For his part, he did not know where the opposition to the movement was to come from. It was not likely to come to any great extent from the patrons; already a conspicuous example had been set by a distinguished proprietor and patron, a

noble Duke, who was a Member of the present Government — an example of liberality in connection with this question which he trusted would be widely imitated. Nor would opposition come from many who were outside the Established Church. On many occasions had ministers of the Free Church with whom he was acquainted, urged that they should endeavour to advance the object which they had in view in the Motion of that night. They owed it to themselves to endeavour to advance the question; They owed it also to the memories of those who in past times had worked in the cause, but who were no longer among them. He never could dissociate the subject from the recollection of one who was a prominent member of the deputation which had been referred to — a man who was as superior to all narrow and sectarian views, as he was conspicuous for his stature among men, and possessed of a gifted eloquence to which few could aspire. He referred of course to the late Dr. Norman Macleod. For the sake of the memory of men such as he, as well as in respect of their own principles, they were bound to promote the objects of the Motion. He should give the Motion his cordial support, and he trusted that it would at no distant period form the basis of legislation.

Mr. CRAUFURD said, he had listened carefully to the speech of the hon. Baronet (Sir Robert Anstruther), but he felt entirely at a loss to make out in what capacity he had appeared. He looked to the Motion, and he had to confess that he could not find anything in it. In his speech the hon. Baronet certainly gave them some idea of his opinion; but he carefully guarded himself against being supposed to represent anyone but himself. The hon. Member had also been careful not to commit himself to any plan. He had referred to a great member of the Established Church — Dr. Norman Macleod — but he forgot the questions put by the Prime Minister to the rev. Doctor in the memorable deputation as to what the Church proposed. That question put the Church *hors de combat*, and so far as he was aware it had never been answered — and what were they asked to do now? Not to condemn patronage. They were asked simply to declare that the presentation of ministers had led to great divisions. This was pretty much a truism. The

Mr. C. Dalrymple

history of the Church was well known, and the disruption of 1843 was sufficient to show the divisions that were caused by patronage; but the hon. Baronet had not the courage of his opinions. He did not ask them to condemn patronage, and the Resolution as it stood would not make them one whit better than they were now. It did not even ask the House to say that the Government should take it up; but merely that it was expedient it should be dealt with. In all the circumstances, he thought that the question was not ripe for discussion, and that it could not be till some practical scheme were brought forward. He therefore declined to discuss the question at present; and, as he was neither inclined to support the Motion nor to vote for patronage, he thought the best thing for him to do was to move the Previous Question.

MR. GRAHAM seconded the Amendment.

*Previous Question* proposed, "That that Question be now put."—(Mr. Craufurd.)

GENERAL SIR GEORGE BALFOUR gave his cordial support to that part of the Resolution of the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther), which declared the—

"Presentation of Ministers to Churches in Scotland by patrons under the existing Law and practice has been the cause of much division among the people and in the Church of Scotland."

He supported it the more readily because his own people had gone out of the Church of Scotland at the time of the first disruption, in consequence of the exercise of private patronage. The hon. Baronet now came to the House of Commons, and claimed for that Church the right to be freed from a law which oppressed the consciences of the Christian people who adhered to the Established Church of Scotland. This was a right which he showed had existed in former years, and had been guaranteed to the people of Scotland by the Settlement at the time of the Union. It was withdrawn by an unjust law passed in 1712 by an English Parliament against the feelings and wishes of the Scotch people; and the abolition of this patronage would restore the right to choose the ministers of the Church to the people to whom it belonged. There could be no doubt on this head, seeing that the Petition to

Parliament prepared in 1869 under the resolution of the General Assembly of the Church of Scotland set forth that—

"Your Petitioners are further of opinion that the nomination of ministers should be vested in Heritors, Elders, and Communicants."

This right to decide on the selection of their ministers by the people belonging to the free Churches of Scotland, had been resolutely contended for and successfully secured by these Churches, and in a way which would ever reflect honour on the spirit and resolution of a Christian people. No doubt other reforms in the Established Church of Scotland must follow on this righteous claim being conceded, and seeing that he (Sir George Balfour) had voted in favour of the Motion of the hon. Member for Bradford (Mr. Miall) for entire disestablishment of all churches, no doubt could exist as to what his vote ought to be on this Motion. It would be time to express an opinion as to disestablishment of the Church of Scotland when that question was brought directly before the House, but in the meantime the Church of Scotland ought to be relieved of the oppression of which she complained.

MR. ORR EWING said, that the objections of the hon. Member for Ayr (Mr. Craufurd) seemed to be not so much to the principle of the Resolution as to the fact that the hon. Baronet (Sir Robert Anstruther) did not propose any scheme in place of the one which he wished to do away with. The question, however, was a very difficult one to deal with, and it was almost impossible for a private Member to take it in hand, because at least one-third of the patronage of the Church of Scotland belonged to the Crown. The Resolution was, however, brought forward by the hon. Baronet in the belief that it was the almost unanimous opinion of the laity both of the Established and the Free Churches that the system of patronage ought to be abolished. The hon. Member for Edinburgh (Mr. McLaren) had endeavoured to show that the Church of Scotland gave very little in the way of subscriptions in comparison with the other Churches; but it should be recollected that the clergymen of that Church were paid by the heritors and in other ways, and were not dependent on the money given by persons who held seats, as in the case of the Dissenting Churches, and as these amounts all figured as sub-

scriptions in the case of the latter they certainly made a larger show in that respect. They did not, however, wish for a moment to injure any of the other Churches; all they wanted was to benefit their own. He regretted that a question of such importance to Scotland should be discussed in such a thin House. The Scotch were a loyal people, and transacted their business quietly, and therefore few Members took any interest in subjects affecting them; but when any matter was brought forward with reference to the Irish, who were more aliens and enemies than friends, there were generally a large number of Members present. It appeared to him extraordinary that the Free Church of Scotland should appear before that House in opposition to the abolition of patronage, when the people of that country generally were in its favour. The sole motive which he could assign for that opposition was that they feared the Established Church would be strengthened by the change; while she might lose some of her followers; but there was plenty of room for all the religious bodies in Scotland, and there was no good reason why patronage should be maintained contrary to the general wish.

MR. MACFIE said, that the abolition of patronage was one of the traditional cries of the old Whigs of Scotland, and he did not believe that their descendants had changed their opinion on the subject. Nothing would please the Scottish people so much as to know that the House had agreed to the Motion of his hon. Friend (Sir Robert Anstruther). That Motion was a request to the Government to take up this ecclesiastical subject, and to do for Scotland what they had already done for Ireland. They had been told that the Free Church would not come back; but he did not care whether they did or not; the House ought to do justice to the Established Church of Scotland, and if they did that there would be nothing to prevent the whole of the Presbyterian Churches in Scotland from working together, and dividing the endowments between them.

MR. GLADSTONE said; the hon. Member for Dumbarton (Mr. Orr Ewing) had referred in the course of his speech—he was sure unintentionally—to the people of Ireland in terms which he must regret, when he stated that they were to be viewed rather in the character

of aliens and enemies than of loyal and faithful subjects. He would not, however, dwell on the matter any further, for the hon. Member was too benevolent calmly to adopt any such sentiment. The hon. Member had also called attention to the thin attendance of hon. Members during this important discussion; but he (Mr. Gladstone) thought he could make a good apology for the House in respect to that matter. He agreed that the convictions of the people of Scotland ought to govern the action of the House in reference to it; but it was not easy to ascertain what those convictions were, and he was quite sure there would have been a much larger attendance of Members if the House felt that the time had arrived when they could discuss this question to a practical issue. He regarded this as a preliminary discussion. He did not complain of the Motion having been brought forward. After this discussion there would be greater maturity of opinion in Scotland than could be said to prevail at present. His hon. Friend (Sir Robert Anstruther) was able to show that for a long series of years back there had been discussions in the General Assembly of the Church of Scotland, and declarations in favour of a great change in the system of presentation to livings, involving the abolition of patronage; and he had also been able to show that a large portion of the patrons themselves were disposed to concur in the change. Those were important facts, and they seemed to warrant his hon. Friend in asking Parliament to adopt some measure to that end; but his hon. Friend had in his candour stated other facts, and they were to the effect that important bodies like the Free Church and the United Presbyterians had expressed their sentiments upon the subject in a way which showed that they were entitled to have their opinions upon it, and that they must be considered in any legislation which might be adopted by Parliament. That was a position which would prevent the House from giving a definitive opinion at present upon the question. This discussion had been an interesting one; but his hon. Friend, in his eloquent speech, had in reality only touched the question—he had passed over the surface of it. His hon. Friend commenced his Motion with a vague declaration, and concluded by saying that the

*Mr. Orr Ewing*

system of appointment of ministers ought to be greatly altered. That proposition was a very important one, but was a very small portion of the whole subject. It was true there had been in Scotland, from the time of the Reformation onwards, a strong reaction against the system of patronage. He (Mr. Gladstone) remembered the controversy on the veto law. At that time and from that time he had always felt that those who passed that law contended for what was called spiritual independence, and they finally passed a resolution against patronage. But there had been a remarkable diversity of proceeding in Scotland, and there was at this moment the widest difference of opinion as to what ought to be done with regard to a change in the present law. There were several different epochs of Scottish history from 1560 downwards, when the law relating to ministers had been altered, and for scarcely any two of them had the same method been adopted. In 1834 the question was handled by elders of the Scotch Church, who were men of eminence, and who would be an ornament to any communion in Christendom, and a completely new method was adopted. None of the old plans were revived. It was proposed that there should be a right of veto only in the male heads of families, being communicants; but that night there had been quoted the declaration of the General Assembly of the present year, which proposed not to establish popular election in the wide sense, but to give the power of veto to the heritors, elders, and male communicants. [Mr. ORR EWING: Committees to be formed of each of these elements.] That only showed how far it would be from popular election. If they were to take their stand on the ancient system of popular representation, that would not be election by committees, but a right of election claimed by Christian people generally. The General Assembly did not go that length. As to the Motion, while he thought the time had come when it was reasonable that some steps should be taken in this matter, he did not think that the time had come when it would be wise or safe for the Government or the House to bind themselves by a general Resolution which gave no indication of the nature of the measure to be adopted. In repealing the Act of 1690 they would give the nomination to the heritors and elders,

by whom the presentation would be made to the congregation for their assent; but such a proceeding would be a perfect mockery in such counties as Ross and Sutherland; and when they regarded the condition of ecclesiastical matters in portions of Scotland which were not inconsiderable, the question of patronage raised a very large question indeed. How far they were to extend the right of election, and how far it was to be limited to the choice of ministers conforming to the rules of the Established Church, were very great and serious questions, and well deserving of examination. Now, he would state a circumstance that came within his own personal knowledge. Being in Scotland last year he went to church on Sunday. There was the Established Church and the Free Church, and what was the state of things? In the Established Church the minister preached to a mass of empty benches. A few members connected with English families visiting the neighbourhood, the members of the minister's own family, and a few others, numbering about 10 or 12 persons altogether, composed the congregation, hardly entitled to be called one, but the minister was paid by the State. Well, a little down the valley was the Free Church, crammed to excess, while those who attended had not means enough to pay a clergyman for their spiritual wants. This was an extraordinary state of things, and one which gave rise to serious questions. The hon. Member for the Ayr Burghs (Mr. Craufurd) had moved the Previous Question. On questions which were premature he (Mr. Gladstone) thought it was a most fair course to take. What he proposed was this, that Parliament should pursue—he could not say during the present Session, because the latter part of the month of June was not a time when practical progress could be made with reference to a subject of this sort—the course which was pursued by Parliament at the time of the last great crisis of the Church of Scotland. At that time a Committee was appointed by the House to make an investigation into the history of the Church of Scotland in relation to the law of patronage, which investigation, although it did not terminate in any legislative action, was, he believed, of great value. Since 1834, Parliament had no examination of the matter and yet very important changes



had been made in the interim. That most remarkable disruption which occurred in 1843, recorded, he was afraid, an instance in which the rulers of this country did not really know the course they ought to have pursued. In conclusion, he would say that viewing the inherent difficulties of this case, and the importance that, before taking definite steps, they should well understand what they were going to do, he proposed that Parliament should be invited at the earliest fitting opportunity to resume these investigations of 1844, so as they might have the opportunity of gathering material and satisfying the House as to the real convictions and wishes of the people of Scotland in regard to the law of patronage. He was persuaded that in pursuing that course his hon. Friend (Sir Robert Anstruther) would be using the greatest diligence and the greatest despatch towards the practical settlement of the question; and if he agreed to such a proposal he would have every assistance on the part of the Government that he could reasonably desire, although undoubtedly it would not be consonant to their duty or their interest, in the face of defective information upon such an important matter, and so vital, to pledge themselves to the course contained in the Motion before the House.

MR. GORDON said, that in the first place, for the sake of the Church of Scotland, they should endeavour to place the matter upon a footing which would be consistent with the feelings of the people of Scotland; and they should also endeavour to do so because they were hopeful that the result of a change in the matter of patronage would bring about a reunion of the Presbyterian Churches which concurred in faith and the rules of Church government, and which would never have been separated had it not been for the unfortunate disputes with reference to the exercise of Church patronage. He trusted that some arrangement would be made by which the matter would be settled in a satisfactory manner.

SIR ROBERT ANSTRUTHER replied, in answer to the question which had been asked, as to what was his reason for introducing the Motion, he had only to say that he had introduced it as an independent Member of the House, and had consulted with no one except

his hon. Friend who had seconded the Motion. He agreed that this was the first time the subject had been introduced into the House for many years, and that this Motion could only have the effect of ventilating it. He had been met in the most handsome and conciliatory manner by the Government, and if the Amendment were withdrawn he should be most willing to withdraw the original Motion.

SIR EDWARD COLEBROOKE urged the hon. Member for Ayr not to divide the House by pressing his Amendment.

MR. MILLER expressed his belief that the latter part of the right hon. Gentleman's speech would create great dissatisfaction in Scotland, as it simply meant the prolongation of the discussion from year to year until something was done in the matter.

*Previous Question and Motion, by leave, withdrawn.*

#### CIVIL SERVICE WRITERS.

##### MOTION FOR A SELECT COMMITTEE.

MR. OTWAY said, it would be unnecessary for him to go at length into the subject upon which he had given Notice of a Motion, as he was glad to say the Government had intimated to him that they would not oppose the inquiry for which he asked. There was a class of gentlemen to whom the Motion referred who had suffered great wrong and considerable pecuniary loss by certain Orders in Council which had affected their position, and there was another class of persons interested in this Motion with regard to whom the Chancellor of the Exchequer had acted with that consideration and fairness with which he (Mr. Otway) felt sure he would act when their case was fully brought to his notice. The right hon. Gentleman had that day announced certain concessions, which if carried into effect in the spirit to which he (Mr. Otway) had alluded, would give satisfaction to that class also. The State had been employing for many years a class of persons called writers, as was supposed, for merely mechanical work; but, in point of fact, they had been doing clerical work of a high order, and sometimes even had been engaged in instructing the clerks of the Government. They had expected

that they would receive, according to the regulation of the Civil Service Commissioners, special pay for this special work, but had not received such pay. As the Chancellor of the Exchequer had met him in a fair and liberal spirit, and had promised that effect should be given to the regulation referred to, he would simply move his Motion.

Select Committee appointed, "to inquire whether Writers appointed before August 1871 have suffered any wrong or injustice by the cessation of the system of a progressive rate of payment."  
—(*Mr. Otway.*)

And, on July 2, Committee nominated as follows:—Mr. STANSFELD, Sir PERCY HERBERT, Sir HENRY HOARE, Mr. PLUNKET, Mr. KIRKMAN HODGSON, Mr. BATES, Mr. DILLWYN, Lord GEORGE HAMILTON, Mr. BACKHOUSE, Mr. PERCY WYNDHAM, and Mr. OTWAY:—Power to send for persons, papers, and records; Five to be the quorum.

#### HABITUAL DRUNKARDS' BILL.

[BILL 11.]

(*Mr. Donald Dalrymple, Mr. Gordon, Mr. Akroyd, Mr. Clare Read, Mr. Miller, Mr. Downing.*)

SECOND READING.

Order for Second Reading read.

Mr. D. DALRYMPLE rose to move that the Bill be now read a second time—when

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after One o'clock.

#### HOUSE OF COMMONS,

*Wednesday, 18th June, 1873.*

MINUTES.]—SELECT COMMITTEE—*Report*—Callan Schools [No. 255].

PUBLIC BILLS—*Ordered*—Turnpike Acts Continuance, &c. \*

*Ordered—First Reading*—Clerical Justices Disqualification and Justices of Peace Qualification \* [197].

*Second Reading*—Parliamentary Elections (Expenses [32], put off; Labourers' Cottages (Scotland) [83], debate adjourned; County Franchise (Ireland) \* [119], discharged.

*Third Reading*—Indian Railways Registration \* [168], and passed.

#### PARLIAMENTARY ELECTIONS (EXPENSES) BILL.—[BILL 26.]

(*Mr. Fawcett, Mr. Baines, Mr. M'Laren.*)

SECOND READING.

Order for Second Reading read.

Mrs. FAWCETT, in moving "That the Bill be now read a second time," said, he thought he should be able to show in a few sentences that, while it involved a principle of the greatest importance, its provisions were extremely simple. The Bill proposed; in the first place, to make candidates at elections no longer liable for the necessary election expenses, but to transfer that liability to the locality, and it in the next place provided security against vexatious canvassing. As to the latter point, he had, after considerable reflection, arrived at the conclusion that, instead of imposing a pecuniary fine, which in certain cases might operate with great hardship, the candidate who did not poll a certain number of votes should be regarded as having presented himself to the constituency without a reasonable chance of success, and that he should, under those circumstances, be rendered liable to his share of the expenses exactly in the same way as under the existing law. What the proportion of votes should be was a matter of detail. He had fixed it at one-fifth of the whole number of electors polled, but if the House thought that proportion too large, he should have no objection to make it one-sixth or one-seventh in Committee. He should next address himself to the arguments which would probably be urged against the Bill. It would, perhaps, be contended that it would be unfair and impolitic to throw any new charge on the rates until the whole question of local taxation had been settled. The same argument had been urged that day week in opposition to a measure for the abolition of tolls on bridges in Scotland; but the House had arrived at the conclusion that the imposition of a new charge on the rates ought not to stand in the way of a necessary reform. If it were to be allowed to do so, the Amendment of which his hon. Friend the Member for Finsbury (Mr. W. M. Torrens) had given Notice would be fatal to the Elementary Education Act Amendment Bill which had been introduced by the Government. But the argument drawn from the inexpe-

diency of imposing new burdens on the rates until the question of local taxation had been settled was, in his opinion, strongly in favour of the measure now before the House. Was it not of the utmost importance that before the bargain as between Imperial and local taxation was finally struck, it should be determined what charges were and were not to be considered fair burdens on local taxation? Let him suppose, too, that next Session the House should decide that a certain amount of assistance was to be given from the Imperial Exchequer to relieve local taxation, would not a proposal such as that he was now making be met at once by the argument that it was unfair to re-open a question which had only just been determined? That being so, he thought the hon. Baronet the Member for South Devon (Sir Massey Lopes) and those who supported him, ought to be glad to take into account, not only the existing charges on local taxation, but those charges which were likely to be imposed on it in the future, before the whole question was settled. It was, he might add, constantly said that the throwing of a new burden on the rates would be unpopular, and he, for one, was extremely jealous of any such imposition, and would not wantonly be a party to it. But the charge which the Bill would impose was insignificant in the extreme. It had been computed that it would not be on the average more than 1½d. in every three years on an elector occupying a £10 house; and when that small amount was compared with the great principle involved in the Bill, he thought it could hardly be held to afford a valid argument against its passing. As to the Bill being unpopular, he should like to know what evidence there was in support of the assertion. Few measures had been more discussed during the last six or seven years, yet, so far as he knew, not a single Petition had been presented against it, while scarcely a large meeting of workmen demanding reforms in our representative system had been held at which resolutions in its favour had not been passed. It had also received the unanimous support of all sections of the Press. The third argument against the Bill was that it would increase the number of vexatious candidates, and that many constituencies which would not now be contested would

be exposed to a contest under the new system. He believed the directly opposite. In his opinion the Bill would operate by giving the constituencies an interest adverse to that of the printers, bill-posters, advertisers, solicitors, and others of the electioneering crew, who get up election contests under the present system, even when they knew it to be hopeless, and who benefited by the costly paraphernalia of an election, which they regarded as being "good for trade." Under the present system there was no check upon the machinations of these persons; but if this Bill were passed, the whole body of the ratepayers would be opposed to the schemes of people of this kind, and would be interested in keeping down election expenses. He asked the House whether any candid man could view without alarm the increasing tendency to make elections more and more expensive? Unless some change were made it would soon come to pass that no man who had not thousands to squander in election expenses would be able to aspire to a seat in Parliament, consequently that House would cease to be a Representative Assembly, and a severe blow would be struck not only at the efficiency, but at the permanence of representative government in this country. At no time in our political history had it been so important that persons who were not rich should be able to obtain seats in that House, and in view of the social questions likely to be discussed during the next few years, it was necessary that labour as well as capital should be represented in Parliament. It had been urged that it was the object of this measure to facilitate the entrance of working men into that House; but although he was anxious that labour should be fairly represented in the Legislature, he thought that the probable effect of the Bill in that direction had been greatly exaggerated; and however desirous he might be to see some working men in that House, he did not believe there would ever be many. Were the Bill to be rejected, and were no working man to be returned at the next General Election, very bitter feelings would be engendered, and the decisions of that House would be regarded as expressing the views of capitalists alone, and not of the nation at large; were, however, the Bill to become law, if no working man were re-

turned, the fault would lie with the working men themselves, and not with that House. It was of great importance at the present time that election expenses should be diminished as much as possible, because there was a powerful combination of circumstances acting in an opposite direction, which rendered it year by year more difficult to those who had not enormous wealth to enter Parliament. In the first place, the small boroughs had been abolished; secondly, the suffrage had been extended; and thirdly, there was a tendency to concentrate political power more and more upon large constituencies. He did not wish to be misunderstood on this point. He by no means objected to these changes, which he believed were inevitable, but it was for the House and the Government to consider whether steps should not be taken to guard against the evils that might indirectly result from them. Another powerful influence, which also tended to increase the cost of elections, but which the House was powerless to deal with, was the growing prosperity of the country, which enabled men to make enormous fortunes in a short time. Owing to the increase in the number of our moneyed men, the competition for seats in Parliament had become keener of late years, for one of the first things that a man thought of when he became rich, was to enter that House, and he was willing to pay an extravagant price for the honour. If only rich men were to enter that House, our statesmen would not receive a political training in their youth; and we should be governed by men who had first turned their attention to politics when they had realized fortunes and had arrived at 45 or 50 years of age. He had been told that he was ill advised to bring forward this measure in the face of certain defeat; but had he been deterred by a fear of defeat he should never have introduced any measure at all into that House. The chief use of an independent Member was not to register the decrees of the majority but to bring into notice the views of the minority and to mould questions into such a form that the Government were obliged at length to take them up. The history of this measure was somewhat peculiar. He had endeavoured six years ago to introduce a clause to effect the object of this Bill into the *Corrupt Practices Bill* of the then Conservative

Government, and his proposal had been carried by a majority of 8 on one occasion, and of 9 on another. On the Report of the Bill, the Leader of the Conservative party, taking the House by surprise, had succeeded in throwing out the clause by a majority of 12, and on the third reading of the Bill, when the question was again raised, the clause was rejected by a majority of 3 only. Then commenced a new state of things. In a confiding moment he had placed this Bill in the hands of the Government. Whether the atmosphere which surrounded the Treasury bench was too enervating for the constitution of the measure he could not say, but the result had been that since the Bill had been in the hands of the Government it had been defeated by majorities of 90 and 92. He was aware, that when a question was entrusted to the Government it had no chance, unless certain Members of the Government were zealous in its favour; and he was afraid that the hon. Member for Shaftesbury (Mr. Glyn), upon whom had devolved the duty of acting as the foster-parent to the measure, instead of doing his best to carry it, had imitated the example of the wicked uncle in the *Children of the Wood*, and the Bill had consequently been thrown out. Under those circumstances, he trusted that the House would not think him rash in having taken back his Bill, in the hope that it would revive and regain health and strength in the more bracing atmosphere of independence. If the majority against it should be as large as it had been under the care of the Government, he should think that its constitution was still weak; but if it were reduced to 50, 40, or 30, he should feel that it was regaining strength, and should continue to bring it under the notice of the House from time to time until it was passed. It had been said the *Ballot Act* had rendered this Bill unnecessary; but in his opinion that Act had increased the necessity for it. He trusted that the fond hopes of those who believed that the *Ballot Act* would prove the death-blow to political corruption would be fulfilled; but in his view, nothing but such a change of opinion in the constituencies with regard to political responsibilities as that measure would effect would ever put an end to electoral corruption. It would not be until men were brought to believe

that seats in Parliament involved important political duties, and were not mere privileges to be purchased by the highest bidder, that we should be able to attain electoral purity. Holding those opinions, he begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Fawcett*.)

MR. W. N. HODGSON, in rising to move that the Bill be read a second time that day six months, said, he could not congratulate the hon. Member for Brighton (*Mr. Fawcett*) upon the perseverance he had shown in bringing forward the Bill after the House had so decisively rejected it. No large constituency had expressed itself in favour of the measure, while the great body of the ratepayers were strongly opposed to it. Looking at the vast increase that had been made in late years in the local burdens, the House should be very careful not to add to the local rates. The hon. Member had said that the addition that would be made to the local rates by this measure would be very trifling; but he found from a Return that the expenses at the last election at Liverpool, which would be thrown upon the local rates by this Bill, amounted to £900 for each candidate. It might also be said that the borough rates and the county rates were only trifling in amount when compared with the taxation of the country. That might be the case, but it should not be forgotten that these rates had been increased by degrees. First, bridges were added to the county rates; next, gaols; then lunatic asylums; and, lastly, the police. These expenses, added together, had increased the local charges from £1,720,000 in 1796, to £15,000,000, the present amount, and it would be most unwise to add to the burden at a time when the question what relief should be afforded to the ratepayer out of the Imperial Revenue was about to be brought forward. There was no wish on the part of that House to exclude working men from seats in it; indeed, he should be very glad to see them there, but the Bill would rather hinder than facilitate their being returned as Members of Parliament. He did not think that Her Majesty's Government, in the face of the declaration made by the Prime Minister the other night,

that he would not consent that any addition should be made to the local burdens, would give their support to this Bill. The provisions of the measure, too, were most defective; for instance, no provision had been made for taxing the statement of the expenses to be made by the Returning Officer, and it was very imperfect in its details. Believing that even if the Bill were to be read a second time, there would be no chance of its receiving the sanction of Parliament during the present Session, he begged to move that it be read a second time that day six months.

MR. FLOYER, in seconding the Amendment, said, his great objection to the Bill was, that it would add considerably to the burdens of the ratepayers. The addition to the rates would be immediate, but the relief that the country was now expecting to the rates from the Government measures might be a long way off. The present local burdens were quite heavy enough, and there ought to be no addition to them. That was a Bill to relieve rich men from their necessary election expenses and to throw them upon the local rates, and that he altogether objected to. The hon. Member for Brighton (*Mr. Fawcett*) deplored the circumstances that recent legislation had thrown obstacles in the way of men of moderate means finding seats in that House; but if that was a fact, what a commentary it was upon the proceedings of the great Liberal party, for all the measures now complained of had been passed during the period in which that party had been in office. After having had the control of political affairs with few intervals for nearly the last 30 years, one of their most prominent Members was obliged to confess that the result of their reforms had been to throw the whole of the seats in that House into the hands of the rich. With regard to the hon. Member's wish to see members of the working classes sitting in that House, if they remembered what large sums had been raised during the last few years by working men to carry out objects which they thought promoted their interests, he (*Mr. Floyer*) thought they would be of opinion that, if working men thought it worth their while, they could also collect sufficient subscriptions to enable some of their own class to obtain seats in that House. It was, however, a mere

*Mr. Fawcett*

delusion to suppose that this Bill would have any effect, except in respect of a very small portion of the expenses in the case of a contested election. The speech of the hon. Member for Brighton (Mr. Fawcett) indicated that he was the advocate of a failing cause. The Bill was very superficially and carelessly drawn. One of its clauses threw upon counties the expenses of a county election. The Bill did not show whether or not those expenses were to be defrayed out of what was called County Stock, to which a large number of boroughs contributed, or by a special county rate. If those expenses were to be defrayed out of County Stock, then the boroughs which contributed to the county rate in addition to paying the expenses of their respective elections of Members of Parliament, would have to contribute to the payment of the expenses of the county election. He quite agreed with the observation of his hon. Friend the Member for East Cumberland (Mr. W. N. Hodgson) that the Bill did not provide any check with reference to the payment by the county treasurer of bills presented to him. They might be by carpenters and masons, and any persons for materials supplied and work done in connection with a Parliamentary election. The Bill did not appoint any person to examine these accounts, and if he sanctioned them, to give a certificate in favour of their payment. At present the treasurer paid only such bills as were certified by the Justices of the Quarter or Petty Sessions. In these days there was too much legislation of the careless character that belonged to this Bill. The hon. Member for Brighton talked about the excellence of large principles; but when he proposed that other people's money should be spent, he ought, at any rate, to have laid down clearly in his Bill a plan on which that money should be spent. The local burdens throughout the country had been recently increased very much, and he (Mr. Floyer) had no desire to add to those burdens—to put on the last feather that would break the horse's back. No case had been made out for the Bill; the country at large had not demanded that it should be passed, and, under existing circumstances, he held that it was the duty of hon. Members of that House to their constituents to oppose it.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (Mr. Nicholson Hodgson.)

MR. MELLY said, he was glad to see that important question once more in the hands of his hon. Friend (Mr. Fawcett). In the bracing atmosphere of what his hon. Friend so very complacently called "below the gangway," it would no doubt, if not in this or the next Session, then in a new Parliament, be carried to a successful solution. His hon. Friend had bantered the Government with much good humour on their failure to carry his measure; but they must not forget that, though at the close of a wearied Parliament in 1867 a majority of 8 or 9 declared for the Bill in a House of 150, yet that in very full Houses during the Ballot discussions last year, the same clauses were rejected by enormous majorities. They had therefore their work before them in persuading the House to adopt that just measure. He would first observe that with reference to the payment of election expenses, the present state of affairs was most anomalous. If an election of members of the municipal council or of the local board was held in a borough, the expenses of the election had to be defrayed by the ratepayers, whereas in the case of an election of Members of Parliament, the expenses of the election had to be defrayed by the candidates. Thus, in so far as legislative sanction could be given to so dangerous an impression, a line was to be drawn between those who served their country in its local government and those who took part in national affairs. The ratepayers invited and elected whom they would to their town council, but the Parliamentary candidate paid for himself, and they could only invite or elect a man willing and rich enough to pay his own expenses. From that anomalous legislation sprang in too many cases a most erroneous doctrine—that the representative and not the electors had the greatest interest in the election. It was of the first importance that such a delusion should be dispelled, and if the payment of that charge made the electors more careful whom they dismissed or whom they selected, it would have a most beneficial effect. But there was another great anomaly. The

Parliamentary candidates, with reference to expenses, were subject entirely to the control of the Returning Officer, and in that respect their position had no parallel. A perfectly irresponsible person employed whom he would, spent what he liked, and the candidate was compelled to pay a heavy bill over the details of which he had no supervision, but the total of which, however much he might dispute it, he was bound to pay. It had been shown how lightly the charge would fall on the great mass of the ratepayers, though in many places the weight when falling upon the candidate acted as a bar to the candidature of all but very rich men. The hon. Member opposite (Mr. Hodgson) quoted the case of the late Liverpool election, where each candidate had been charged £900 or £1,000, a monstrous sum; but there were 53,000 electors, so the cost would be only 9d. per head every five years if it fell upon them; but as it would really fall upon the 80,000 householders, it would not exceed a rate of 1½d. per household per annum. They were told that the total expenses of Returning Officers were £90,000, which sum amounted to about 1½d. in the pound every five years over the rateable value of the three Kingdoms; he (Mr. Melly) wondered it had not been twice as much, considering that there was no check whatever upon any charge those officers might make. The hon. Member for Dorsetshire (Mr. Floyer) said that there was no guarantee in the Bill that the expenses would be reduced, but there was the same guarantee and check there always was in all other matters where those who paid the bill appointed the officers, who spent the money. The ratepayers would see that no undue expenditure took place, and, as the machinery would be used for all local elections, the cost would be very greatly reduced. The position of the Returning Officer was felt by him under the present system to be most unsatisfactory. One of those gentlemen wrote to him to ask how he was to get the money he had spent if one of the candidates were unable to pay it. The law in that respect wanted revision, and when the Bill got into Committee, the responsibility of the Returning Officer could be more fairly defined. It had been suggested that the way to pay these charges was by combination among the working men. The hon. Member opposite (Mr. Floyer) had, he

thought, spoken very unadvisedly with reference to trades unions. He said working men had collected large subscriptions for their own objects, let them subscribe and elect Members. The hon. Gentleman had thus suggested that those unions should mix themselves up in politics. He (Mr. Melly) fervently deprecated the transfer of the conduct of Parliamentary elections for counties or boroughs from the ratepayers to outside organizations. A suggestion more unconstitutional and dangerous he had not often heard. Those who sat on that side of the House greatly approved of trades unions—combinations of men of all shades of politics for the discussion and arrangement of all questions between labour and capital, the employer and the employed; their position and their own common sense equally precluded them from taking part as trade organizations in local contests, but they were now advised to collect large sums of money, and pay the legal and necessary expenses of Parliamentary contests. A perilous suggestion, coming from the quarter whence it came. But why should a poor man be compelled to solicit assistance from his friends or fellow-workmen to pay the legal costs incurred by the electors in the discharge of a solemn constitutional privilege and duty? How many men in that House had been returned at the cost of their friends? He thought that every candidate should stand in the same position as far as the mechanical portion of the election was concerned. Legislation had much altered the position of the question. The Ballot would put an end to much unnecessary and voluntary expense, but would largely increase, in many ways, the legal and compulsory charges. The ballot-boxes, polling-booths, and all the Returning Officers' expenses, would be, in many places, doubled. A man determined to leave the election to the electors would have little but the cost of public meetings to pay, if, by passing this Bill, they threw the compulsory costs upon the rates. It was equally unjust to the electors to limit their choice; and to the candidate to exclude him from nomination, unless he were able or willing to pay. As to working-men candidates, he had shown that the Bill would put an end to special injustice. He himself was, he understood, to be opposed by a working man's can-

*Mr. Melly*

didate, who held pretty much the same opinions as he did. [*Laughter.*] Hon. Members might laugh; it was by such divisions among the Liberal party that the Conservatives won seats. He hoped to beat his opponents on the merits; but he was most anxious that he should not be handicapped by a forced payment of £300 or £500 to the Returning Officer. Hon. Members opposite well knew that whether it were the true reason or not, if the advocates of the direct representation of labour in Parliament were disappointed by the result of the next election, they would attribute their want of success to the power of wealth, and complain bitterly of the forced contribution to the uncontrolled expenditure of the Returning Officer. He would remove that just cause of complaint, and place the expenses of Parliamentary contests on the same footing as those of municipal and local board elections, with the fair guarantees offered by the Bill against spurious candidates. Lastly, the hon. Member for Dorsetshire found fault with his hon. Friend for pointing out that year by year, by the natural law of supply and demand, richer men were prepared to pay more and more for seats in that House, and poorer men had less and less chance of being returned, and he attributed that to "the policy of the Liberal party which had been in power," he said, "for 30 years." He (Mr. Melly) would reply that perhaps it was owing to the policy of the Liberal party that there was such universal prosperity, so many rich men who, in becoming rich, had added to the comfort and wealth of hundreds of thousands of others; that perhaps it was owing to the policy of the Liberal party, pursued for more than 40 years, that that House had at last become a really Representative Assembly, to which honest men might laudably desire to be returned by free and unbought electors. This, at least, was certain, that for 30 years it had been the policy of the Liberal party to exclude no man from that Assembly by reason of his creed, or his social position, or his purse. For many Sessions he (Mr. Melly), his hon. Friend the Member for Brighton, and almost every hon. Member upon that side of the House, had laboured to abolish paid canvassers, salaried agents, the conveyance of voters to the poll, employment of public-houses at elections, and every

description of bribery and corruption. Every impediment, however, had been thrown in their way by hon. Members opposite, who did not seem to desire that while the constituencies should be free to choose any man, no one should, by any compulsory expenditure, be excluded from the honour of a seat in that House.

MR. YORKE opposed the Bill. He quite agreed with the hon. Member for Brighton (Mr. Fawcett), that the prospects of his measure, however good they might have been in the good old times when he first had charge of it, were not very favourable at the present moment, and certainly some of the arguments used by the hon. Gentleman did not appear to him to be at all calculated to forward its prospects. In the first place, it was a very remarkable way of recommending a measure to the favourable consideration of local taxpayers, to say that if we added another burden to the already intolerable charges which rested upon them their case for relief would next Session be rendered additionally strong. He believed the case of the local taxpayers for relief was sufficiently strong, without being added to by a measure of this kind. The hon. Gentleman had also said that the cost which would be thrown upon the ratepayers would be insignificant; that it would be 1*d.* or 1½*d.* per head, and therefore was a very small matter. If the charge were so insignificant he could not think the hon. Gentleman was just in imagining that it would have an important effect in preventing contests. There was no doubt that printers, solicitors, and publicans contributed considerably by their charges to increase the expenses of elections at the present time. He (Mr. Yorke) contended that those charges would not be touched at all by the provisions of the Bill, and therefore he thought it was evident that this was only a step to further measures in the same direction. The hon. Member had further said that the exclusion of the working men was owing to the expense of a contest; but he believed that that had nothing to do with the question. He understood that the trades unions had funds at their command amply sufficient to meet the expenses of elections in many places, if the working men were really popular with the constituencies and commanded the same numerical support which was now en-



joyed by others. But he believed the real obstacle to the admission of the working man arose from the good sense of the electors. The constituents were of opinion that a candidate required early study and education, and that a man without those advantages would not be able to take the same intelligent care of their interests which men highly educated would be prepared to take. The constituents believed that the British Constitution was a vast and complicated machine which ought not to be handed over to incompetent hands to deal with. He could not, moreover, agree to the infliction of any additional burden upon the ratepayers while the question of local taxation was under the consideration of the Government, and he believed the effect of the two measures on that subject brought before the House by the Government would be to leave them in a much worse position than they were in before. They had been recently engaged in rating woods, mines, fishing, and shooting, and when they came to the Valuation Bill they would find that its machinery would raise assessments all over the country. It was plain to everyone that it was the object of the Government to get the greatest amount out of the existing area, and then to come down to the House and say there was a little more required; and then, perhaps, they would throw in a dog tax or something of that kind. Therefore, independently of the merits of the question, he held it to be the duty of all those who had the future of local taxation at heart to refuse their assent to such a Bill as that. At the same time he was ready to make the hon. Member for Brighton an offer. If the hon. Gentleman would withdraw the Bill and reconsider it, and place the expenses of elections on personal property, he (Mr. Yorke) should be ready to support that proposal. If his hon. Friend could devise a method by which to charge these expenses on personal property he would do something towards placing his name on honourable record in connection with the subject of local taxation.

MR. TREVELYAN said, the principal argument used against the Bill seemed to be, that if it were carried it would increase the county rates; and the last Speaker had concluded his observations by an appeal to the hon. Member for Brighton (Mr. Fawcett) to undertake

*Mr. Yorke*

to withdraw the Bill and to shift a portion of the county rates upon personal property. He (Mr. Trevelyan) was entirely opposed to the proposition of charging personal property with the expense of elections, but the Bill did not provide for any such thing. It proposed that the expenses of hustings, and the charges made by and paid to the Sheriffs or Returning Officers, should be charged on the borough or county rates, as the case might be. He also denied that the Bill was calculated to promote bribery, or that it was bound to charge ratepayers with the expenses incurred by those who wished to go into Parliament. Anyone who had listened to the previous debate on the subject would be inclined to augur success to the Bill, from the extreme venality of the arguments against it, because it appeared to him that those who opposed it, simply rang the changes to the tune that it proposed to transfer a tax from the shoulders of the wealthy classes to those of the community generally. But the Rating Bill of the Government, by its removal of existing exemptions upon mansions and sporting, certainly took from the pockets of the wealthy classes more than that Bill would put into them. The speech of the hon. Gentleman the Seconder of the Amendment was more fit for a Committee of the House; but the whole of their arguments dwindled down to nothing, when they were told that the increased expenditure caused by the Bill would not amount to half-a-farthing in the pound on the rates once in three years, and the rate was so small that no other machinery than that of the county rate would be available for levying it. He would point out, as a justification for the mode of rating, the inequality of the expenses incurred in various localities for Parliamentary election expenses. His hon. Friend the Member for Birmingham had to pay £900 for his expenses, while the hon. Member opposite paid only £45 4s.; in other words, one hon. Member paid £20 for every pound another paid. At present the expenses of elections were paid by Gentlemen who were afraid to question their accuracy, but that would not be the case after the passing of the Bill. Moreover, such an argument came with very ill grace from hon. Gentlemen who held that the magistrates of England and the Commissioners of Supply in Scotland were as

careful of the ratepayers' money as the ratepayers were themselves; and he had that confidence in the magistrates of the country, that he believed they would carefully scrutinize all the items of the bills of the Returning Officer. And the House must not think that there was no margin for economy in these bills. He could not at present see why it was that the election expenses at Dover, with a population of 3,000 electors, should be £160, and at Derby, where there were 9,000 electors, the expenses of the hustings and booths should be only £70. In the Ayr and Dumfries Burghs the cost of the hustings, &c., were respectively £34 and £42, while in other towns of the same size they came to £116, and there was a similar difference between the other election expenses. It was monstrous that where one Member of Parliament did not have to pay £50 for the expenses of his seat another should have to pay £150. Then it was said the Bill would encourage the nomination of men of straw, who wanted to purchase a cheap notoriety at the expense of the ratepayers. That theory, however, was not borne out by facts. In Scotch burghs in particular, party feeling on social questions ran very high, and of all places there were none where Members were elected to represent what might be called a special idea, yet in the burgh he represented (Hawick district) the election expenses known under that legal name only amounted £3 5s. 3d., and taking every conceivable charge into the account, when he had taken his seat and paid all the expenses, he had change out of a £20 note. He believed if he or his hon. Friends the Members for Elgin and St. Andrews were unseated at the next General Election, it would be entirely from their demerits, and in no respect from any reckless expenditure on the part of their opponents. He entirely denied that to pass the Bill would be to multiply candidates on the ground of their being relieved from contributing to the expenses, and considered that the restrictive provision on that point would be quite sufficient. Even, however, if the cost were great, hon. Gentlemen should not seek to shelter themselves behind a big Bill, instead of relying on their own merits. It was a monstrous thing, in his opinion, that a gentleman could not present himself to a constituency for the purpose of

serving his country without being called upon to pay enormous sums in the shape of fees. He thought the arguments against the measure were all very far fetched, whilst those in favour of it were quite simple, and at the same time quite unanswerable. The object of its supporters was to sanction the principle, that the choice of a Representative was a most responsible and important matter, and that the duties of a Representative were those of an honoured minister, who gave instead of receiving service. It had been said that a candidate who had gone round cap in hand to the voters, and asked them to do him the favour of supporting him, could not consistently afterwards ask the ratepayers to pay for his election. Now, the supporters of the Bill repudiated the notion that a vote was a favour. Surely, it was not to be supposed that an elector cared so little about his privileges that he would not pay the value of a pinch of snuff for the opportunity of exercising them. Such a measure as that would do something to prevent political apathy and to show the country that this House wished to place no obstacle in the way of working men who sought to be returned to Parliament. To refuse to pass the Bill, indeed, was to maintain to that extent a money qualification. If it were desirable that labour should be represented in Parliament in 1867, it was doubly desirable in 1873, when so many new labour questions had arisen. For example, it was not only discreditable but positively dangerous that the recent agitation in the rural districts should be ignored and unknown in this House, so far as resolutions on the subject were concerned. Sometimes, we heard the argument that the working classes were represented in Parliament by men who had risen from that class; but had a single Member in this House ever dug drains or trimmed hedges? He hoped the House would deny a statement that had been recently made at a meeting in Hyde Park—that there was not a single hon. Member of that House who sympathized with the working classes, and justify the confidence of the general body of those classes, by passing an enactment which would show their willingness to welcome Representatives of the working classes in Parliament.

MR. CORRANCE opposed the Bill. He thought the reason in favour of the

measure did not rest upon popular, but upon philosophical considerations. At the same time he regretted the disappearance from that House of the philosophers who formerly sat there. In the last Parliament there were several philosophers, including Mr. John Stuart Mill, but circumstances had made nearly a clean sweep of them. ["No, no!" and laughter.] From various causes, the supporters of the hon. Gentleman had dwindled away. The constituencies had considered the question, and had arrived at the conclusion that it would not be for their interest that the Bill should pass. However small the amount, they saw that they would have to pay something, and they had not been accustomed to do so—quite the reverse. They could not be convinced that it was necessary or that it would be beneficial for them to pay a tax for the privilege of recording their votes at elections. That Parliament had been elected by the ratepayers, but nothing had yet been done for the relief of the rates, though an abstract Resolution had been passed in favour of doing so.

MR. MORRISON considered that the Bill involved a great many important questions besides the expenditure of money. He thought the passing of the Ballot had materially strengthened the argument for the Bill, as the legal expenses of candidates must be greater now than they used to be; and though they generally amounted to a very small proportion of the expenses of a contested election, still experience showed that it was possible for a Member, whose presence in the House was thought of importance to the public interest, to be returned at a moderate outlay upon other heads of expenditure. He regretted to say that there had been no proportionate reduction in the cost of elections, and that the old estimate of a pound for every voter polled in a county election still held pretty nearly true. At present there was a direct incentive towards wasteful expenditure by local authorities, and no candidate could dispute the account presented to him any more than a man could dispute the Bill of an undertaker. He could point to boroughs in which it was the custom of Returning Officers to put up polling-booths instead of availing themselves of such public buildings as were available for the purpose. The theory of the Constitution was that the

electors selected the candidates, but the practice was rather the reverse. There was frequently a great difficulty in obtaining candidates, and some constituencies were willing to accept anybody who would consent to pay the costs connected with an election. It was clear, however, that few but the wealthy could entertain a nomination; and although that was an advantage to the extent that it produced a House of Commons superior to pecuniary bribes, it was unwise to keep up an artificial barrier to prevent poorer men from coming in. The presence of representative workmen in the House of Commons would be desirable; they would then be required to reduce their theories to Bills, and perhaps they would discover that their political regeneration was not to be worked out by Acts of Parliament so much as by self-control and industry. He regretted, in conclusion, that the Opposition had not met the Bill by the Previous Question rather than by a Motion to read it six months hence; for if the Bill were to be rejected because of the action of the House on the subject of rates generally, the Previous Question was the true issue raised.

MR. NEVILLE - GRENVILLE thought the House had heard as much stilted talk on this question as on many great subjects. Now, he considered the question a very small one indeed. Whether the expenses of the Returning Officer were to be paid by the candidate or the ratepayers did not matter a straw, as far as money was concerned. If the object of the Bill had been to introduce into the House young men, well educated, industrious, and talented, instead of well-to-do old gentlemen, of whom it was said the present House of Commons consisted, he should have been able to support it. On principle he objected to any unnecessary addition being made to the local rates. He did not believe the Bill would have the effect of introducing working men into the House, but if it did, the moment a working man was elected he would cease to be a working man. He wished to remind those who talked of the exorbitant charges of some of the Returning Officers that they could be cut down without saddling the counties with the expense, whether this measure was carried or not.

MR. JAMES said, he should not have taken any part in the discussion but for the recurrence to the old arguments which had been formerly used on the subject. One of these was an argument respecting local taxation, and he was sure that every hon. Member would be glad if there was no such thing. The question now before the House, however, was a much broader one than a question of local taxation. With every respect for the argument of his hon. Friend the Member for Brighton (Mr. Fawcett), he must say that it was entirely fallacious from the want of connection between his premises and his deductions. His hon. Friend had said it was very desirable the expenses of elections should be reduced, and, without showing that his Bill would reduce them, he had said, therefore, the Bill was a good one. He had next urged that it was desirable working men should be in the House, and, without showing this Bill would introduce them, had said, therefore, the Bill should become law. The expenses of the last General Election had been returned at £1,500,000, but only £90,000, or less than one-fifteenth of that total would be thrown upon the rates to the relief of the candidate by this Bill. His hon. Friend had put the matter as if the expenses of the election meant the official expenses alone; but on looking at the question practically, it would be found that the cost to each Member was some £2,000. The official expenses were a very small proportion of that sum, and if the carrying of the Bill should have the effect of increasing the number of contests and greater excitement, the expenses which his hon. Friend was desirous of diminishing would be considerably increased. He declined to discuss the measure on mere theoretical grounds. Accepting all that his hon. Friend had said about the desirability of securing the admission of working men to the House of Commons, he denied it was desirable the House should be changed entirely. The experience of hon. Members who had sat in many Parliaments was very valuable. Was it right they should be punished by a contest? They might think their position secure, and under the present system it was; but with that Bill in force, they would not be safe against the ambitious, uneasy, or intemperate opponent. Such a contest might exceed in

cost the whole of the Member's previous expenditure, and similar influences would tend to increase the expenses of all other candidates. Would that be compensated by the benefits of the measure? It was also questionable whether working men themselves desired this change. Only two or three working men made an attempt to get elected at the last General Election, of whom the personal expenses of the workman who contested Aylesbury were £354, and the official £62. Which item was of most importance, and what would be the effect, if the Bill were passed, upon the conduct of working men in respect of the nomination of one of their own class? Instead of subscribing to pay the expenses for some representative man, every workman would be coming forward who held the opinion that he was as fit as his neighbour for the position. At present there was a barrier to the gratification of vanity in this respect, and it should be maintained. He admitted he was speaking in behalf of men of moderate means. He declined to imperil his estate by engaging in ruinous election contests, and some consideration should be had for others besides working men. The measure was also inconsistent in itself. It would be unfair to throw these expenses on the ratepayers generally, many of whom were not electors, but women and minors; they should be borne by the electors only, and if the precedent of the Revising Barristers were followed they should be borne by the Imperial Exchequer.

MR. SCOURFIELD said, it would be very curious if the House of Commons, after resolving to relieve local taxpayers of some of their burdens, were to commence the operation by saddling them with a charge hitherto borne by hon. Members themselves. Ratepayers would not be all agreed upon the justice of the charge. Some might like the candidate elected, others might prefer someone else, and a third class would perhaps think it preferable if there were no Parliament at all for some three years, that the Government might be left to the permanent officials while Ministers were allowed to travel on the Continent for the benefit of their health and the improvement of their understandings. Certainly two sections of the ratepayers would in that case be

paying for what they did not want. Some hon. Gentlemen seemed to think that at least the working men were all united, and loved one another as brothers. Hazlitt, however, once said that all country gentlemen hated one another, and it was fair to presume that jealousies existed among members of all classes. John might think himself as good as Tom at election time, and the result would be a host of candidates and contests. To be consistent, hon. Members should be paid for their services, and perhaps local subscriptions should be added to make the candidates acceptable to the constituency. It had often been said unpaid services were bad, but it did not follow from this that paid services were good; so he trusted the hon. Member for Brighton (Mr. Fawcett) would not be consistent and propose payment of Members as well as payment of expenses.

MR. M'LAREN said, the expense of the election for the school board of Edinburgh was £2,200. There were 15 candidates, and he would like to ask why, considering the arrangement that existed in regard to Parliamentary elections, these 15 candidates should not have to pay £150 each, which was their share of the expenses. Parliament said it would be unjust that they should pay the expenses, because the members of school boards were elected for the benefit of the whole community, and it was therefore held to be right that the community should bear the expense. There were necessarily some preliminary expenses which required to be paid by candidates, but why should they be called on to pay for the election itself—more especially if the constituency were willing to pay a small rate? It was the same in regard to Parliamentary, as to school board elections. Hon. Members had referred to the rates that would be required in their particular districts. He might mention that in Edinburgh, the rate which would be required to raise £1,500 would be a third of a penny, so that a man rated at £12 would have to contribute 4d. Large constituencies in Scotland, he believed, would be delighted to pay the expense. There was one other fallacy he wished to point out. It had been said by the hon. and learned Member for Taunton (Mr. James), that the expenses of the Returning Officer were a mere trifle compared to the great

expenses of election. There was the difference, however, that those expenses were fixed, and could not be altered. The general expenses might be much or little as candidates chose, and as showing the difference that sometimes existed, he might mention that in a northern borough at the last Election, the expenses of one candidate were £410, while those of the other were £4,600—both, it was to be observed, being candidates in the same borough and under the same circumstances, and both being returned. He thought there was no good reason why the expenses of Returning Officers should not be paid by the communities, leaving the candidates to bear the extras.

MR. BRUCE said, that the Government having stated that it was not their intention as long as the question of local taxation was in its present unsettled condition, except in cases of necessity, to bring forward any measure which would tend to increase local burdens, it was impossible for them as a Government to give the hon. Member for Brighton (Mr. Fawcett) that support which they gave him on former occasions. His hon. Friend had said that as long as the question remained in his own hands, he had a majority, and that it was only when the Government took it up, that there was a majority against it. But his hon. Friend forgot to state that when he had a majority, it was only in a House of 147 Members, the numbers being 78 to 69; whereas, in the two divisions on the subject which occurred when the Government brought the question forward, there was on one occasion a House of 416, and on another a House of 430 Members. His hon. Friend seemed also to have forgotten the words of one of our poets—"The best is but in season best," and that there was at present the deepest disinclination on the part of the House to assent to any measure which had a tendency to add to local burdens. In spite, however, of the able speech of the hon. and learned Member for Taunton (Mr. James), he still adhered to the opinion that the measure of the hon. Member for Brighton was founded in justice and expediency. He agreed with his hon. Friend, that the effect of the Bill would not be to introduce many working-men into Parliament, and he held that the great object of lowering the expenses should be to

bring into the House young men of education who might be able to devote their talents to the service of the public. He had a general objection to ignorance whether in working-men, in capitalists, or in country squires, and the great aim which they ought to have in view was to get young men into the House, who might be made capable of dealing with the great subjects which were constantly coming before them. He also admitted that it would be a great advantage to discuss in the presence of working-men all those theories which were now so widely, and, as many thought, so dangerously propagated throughout the country. For these reasons he should be glad to give his assent to any measure for the reduction of expenses which would throw open the doors of Parliament to working-men and young men of promise and ability. They had already representatives of the tenant-farmers, and the manner in which they deputed themselves was a great encouragement to working-men being introduced into that House. The hon. Member for Dorsetshire (Mr. Floyer) was understood to say that as trades unions had shown their power in many other ways, they might also show their power in returning working-men to Parliament. [Mr. FLOYER: I did not say so.] If the hon. Member did not say so, the hon. Member for East Gloucestershire (Mr. Yorke) said so very explicitly. He had no reason to think that working-men were exclusively on one side of politics. He knew that the votes of working-men in many constituencies had turned the scale in favour of hon. Gentlemen opposite. But that being so, why should they urge trades unions to combine to return working-men to that House? The doctrine was a dangerous one. It was because he wanted to smooth the way as much as possible to working-men and others of small means that he should have given his vote for the Motion of the hon. Member for Brighton, if the occasion when the Bill was brought forward was a proper one. But the hon. Gentleman, acting on his own responsibility, and in opposition to the judgment of his friends, had by his obstinacy placed the measure in a wrong position. It was not true that Government had allowed itself to be defeated by a small majority on the question; they were defeated by a majority of nearly 100,

which showed decisively the opinion of the House. But after the Government had made the declaration on the subject of local taxation to which he had referred, it was not fair to bring forward this measure, and then to make a charge against the Government for not supporting it. Under the circumstances, he hoped the second reading would not be pressed to a division, for if it were he felt convinced that it would be defeated by an overwhelming majority.

MR. FLOYER said, that the right hon. Gentleman the Secretary of State for the Home Department had attributed to him a meaning which the words he used did not bear. What he said was, that the working-men had combined to raise large sums for certain purposes, and he did not see why they should not combine to raise money to return some of their number to the House. That was a simple statement, and had nothing to do with trades unions.

MR. BRUCE: I entirely accept the explanation of the hon. Gentleman.

MR. FAWCETT, in reply, observed that a greater compliment could not be paid to an independent Member by the Treasury bench than to have it said of him, in the words of the right hon. Gentleman the Home Secretary, that he was "obstinate." He was much mistaken if the speech of the right hon. Gentleman would not before the Session was over get the Government into trouble. The right hon. Gentleman had laid down the doctrine, that he could not vote for a Bill the principle of which he endorsed, because it was brought forward at an inopportune time, and he could not vote for this Bill because the question of local taxation was not settled. Well, in three weeks' time the House would be discussing the Elementary Education Amendment Bill, and would it then be said that they must vote against the Bill because it would impose an additional charge upon local taxation? He did not advocate the measure now before the House mainly because it would reduce election expenses, but because it was founded on a right principle—namely, that a man in becoming the representative of a constituency was discharging an important duty, for which he should not be called upon to pay. We were now the only English-speaking people on the earth who made their Representatives pay the necessary expenses. His great argument in favour

of the Bill as a practical measure was, that under the present system, constituencies were interested in extravagance at elections, whereas if they passed this Bill they would do all in their power to interest the great mass of the constituencies in economy.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 91; Noes 205: Majority 114.

Words added.

\* Main Question, as amended, put, and agreed to.

Bill put off for three months.

#### ARRIVAL OF THE SHAH OF PERSIA.

MR. COLLINS said, that as an important event was about to occur, it would be for the convenience of hon. Members that the House should adjourn. He therefore begged to move the Adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Collins.*)

MR. BRUCE opposed the Motion, on the ground that it would be unfair to hon. Gentlemen who had Business on the Paper, to deprive them of the opportunity of having it discussed.

Question put, and *negatived*.

#### LABOURERS' COTTAGES (SCOTLAND) BILL. [BILL 83.]

(*Mr. Fordyce, Mr. McCombis, Mr. Barclay, Sir George Balfour, Mr. Parker.*)

#### SECOND READING.

Order for Second Reading read.

MR. FORDYCE in moving that the Bill be now read a second time, said, he would endeavour as briefly as possible to explain its chief provisions, and to state some facts which proved beyond doubt that the whole subject to which it referred was not unworthy the attention of the Legislature. This Bill was a humble attempt to remedy one of the chief blots in the Scotch social system, to provide adequate house accommodation for the agricultural labourers of Scotland, and to remedy the disgusting and almost incredible system of overcrowding which now prevailed in many parts of that country. It was also in-

tended by the Bill, in a subsidiary degree, to encourage occupiers of land to invest money in the improvement of the soil, by giving them certain rights of property in respect to the buildings which they constructed. At present, by the law of Scotland, all buildings erected by a tenant, in the absence of any specific agreement to the contrary—whatever might be the length of the lease and the value of the buildings—belonged to the landlord, and the fundamental proposition of the Bill consisted in an alteration of that presumption of the law. The Bill provided that all buildings erected by agricultural tenants should belong to them in the absence of any specific agreement to the contrary in the lease or otherwise. The buildings referred to in the Bill were of two classes, the provisions in regard to each class were slightly different. In regard to all buildings other than labourers' cottages erected by the tenant, it was provided that where, by the lease the incoming tenant or the landlord refused to take them over, the tenant should be entitled to remove the materials of which they were composed, a right of pre-emption being also given to the landlord. With regard to labourers' cottages, the promoters thought that the evidence on that subject warranted them in going a step further, and the proposition contained in the Bill was, that where such cottages did not exist to the extent of at least one for every 100 arable acres of land, and where the tenant supplied the deficiency, he should be entitled at the end of his lease to compensation from the landlord to the extent of £100 for every such cottage, provided, in the first place, that arbiters appointed by the Sheriff found that the cottage was worth that amount; and provided also that it consisted of three apartments, and contained 3,000 cubic feet of measurement. These provisions had been introduced in order to provide against the possibility of the landlords being called upon to take over rickety and worthless buildings at the termination of leases. It was now generally admitted that no family could be comfortably or decently housed in a building consisting of less than three apartments, and the limitation he had stated as to the cubic contents was the same as was adopted by the Inclosure Commissioners. A sug-

*Mr. Fawcett*

gestion had been made by one of the Agricultural Societies of Scotland which had petitioned in favour of the Bill, to the effect that power should be given to the Sheriff to settle the sites of the cottages if the site selected by the tenant was objected to by the landlord, and he had only to say that there was no objection on his part to such a provision. Such were the few and simple provisions of the Bill. They did not interfere with contract in any way, nor did they enter into the large field taken up by the Bill of the hon. Member for South Norfolk (Mr. Clare Read). They did not propose to compensate the tenant for expenditure on anything except buildings. They proposed no compensation for expenditure on drainage, or on the reclamation of land or unexhausted manures. The Bill simply took up the simplest and most urgent case, where the hardship was greatest to the tenant, the labourer, and the community at large. Those were the provisions of the Bill. He would at once be asked were they equitable, and if equitable, did the circumstances of the case warrant their adoption? With regard to their equity, he submitted that it was equitable that the lawful possessor of land, when he added to the permanent value of the property, was entitled to compensation to the extent of the value added. That was a proposition which held good in many other cases. Pupils and minors, though incapable of contract, yet where lucrated by the deeds of others, were borne in recompense; life renters of properties under wills could obtain compensation for permanent improvements executed by them; persons found subsequently not to have good titles as purchasers to subjects on which they made improvements were by the law of Scotland re-imbursed for those improvements; but it was now settled law that buildings erected by agricultural tenants, independent of specific agreement with the landlord, belonged to the landlord, and not to the tenant. He asked why should that be so? The tenant was a lawful possessor, and why should the buildings erected by him at his own expense go to the person who benefited by their erection? Did any good reason exist why the buildings erected by the tenant, and which he was not bound to erect, should not belong to him in the same manner as the stock he brought on the land?

He did not intend to enter into the history of the law of fixtures as connected with agriculture, but he might say that anyone looking into this matter would find it very peculiar. The original principle that whatever was planted on or in the soil belonged to the soil or to the landlord, was very soon found inapplicable to the conditions of modern civilization, policy, and progress. The old legal fiction, *Quicquid plantatur solo, solo cedit*, was now entirely superseded as regarded Ireland by the recent statute, and as regarded England and Scotland, this was so also as to trade fixtures, which had been held now to belong, not to the landlord, but to the tenant, when erected by him under no obligation to do so. The law of Scotland not only recognized that trade fixtures erected by an agricultural tenant belonged to him, but it had gone a great deal further in recognizing the principle of the Bill, for it was now settled law, that if an outgoing tenant left the land fallow or in grass-seed, he was entitled to claim from the incoming tenant, or from the landlord, the value of the land which he left fallow, and also of the grass seeds sown down in the year preceding his outgoing. Professor Bell, in laying that down as the law, expressly stated as a reason for giving compensation, that the outgoing tenant was in equity entitled to the value of the outlay of which the incoming tenant reaped the benefit. He (Mr. Fordyce) would humbly submit that if it were an equitable arrangement that the tenant should receive the value of his grass seeds, or the land he left fallow, it was equally equitable that he should receive the value of the buildings he erected, being under no obligation to erect any such building. Passing from that part of the subject, he wished to refer to two considerations which he thought strongly proved the expediency of encouraging by every means in their power, the occupiers of land to invest capital in buildings, and particularly in labourers' cottages, on their farms. In the first place, as they were all aware, the agricultural interests of Scotland had been subject to a very heavy strain during the past year. It had been calculated that the loss to the tenant-farmers during the year, from a deficiency of crops, had amounted to upwards of £8,000,000, and in the



county he had the honour to represent (Aberdeenshire) the loss had been calculated at £900,000. The labour market had been agitated in an extraordinary degree, and wages had gone up 10 or 20 per cent, and although those things ultimately affected the price of land, they fell on the occupier in the meantime most heavily. Then, again, it could not be denied that the efforts which had been made by the landlords of Scotland to provide adequate house accommodation for the labourers had lamentably failed, and at this moment a frightful deficiency existed in regard to the accommodation of the labourers. The Statistical Account of Scotland, issued at the commencement of this century, first drew public attention to this point, and the revelations then made on the subject were confirmed by the Statistical Account of 1845. It was also made abundantly clear by the evidence taken before the Poor Law Commission in 1843, that this was the case, and it was proved by the testimony of Dr. Guthrie and others, that the reason why the old cottages were not rebuilt, and the reason therefore of the deficiency of cottage accommodation, was the dread which existed on the part of landlords that they would, by increasing that accommodation, also increase the poor rates. In 1854 public attention was so strongly directed to the subject by the late Rev. H. Stewart, that an association was formed among the landowners of Scotland for the purpose of improving the condition of the dwellings of the agricultural labourers. To show the influential character of that Association, he might say that it comprised among its directors the names of the late Prince Consort, four Dukes, a Marquess, and two Earls. He did not wish in any degree to refer to the labours of that Association in a disparaging sense—he believed they were attended by great good; but he referred to the fact simply for the purpose of showing that in it the landlords of Scotland had put forth their utmost strength and failed. That Association was now defunct. It did good work in its day. It built a certain number of cottages, but it failed to provide adequate accommodation for the labourers. These were strong statements to make, but they were not stronger than the facts of the case, because the Census Commissioners

of 1861, in their Report, drew prominent attention to the fact that 36 per cent of the families of Scotland lived in houses of one room, either without a window or with one window only, and to the demoralizing effect of such a state of things. The Census authorities of 1871 still more emphatically drew public attention to this matter. They said that nearly one-third of the families of Scotland occupied houses of one room, either without a window or with one only. The following were the figures they gave:—Out of a total of 484,000 families in the towns, nearly 160,000 lived in houses of one room, and without a window or with one only; out of a total of 101,000 families in the villages, about 35,000 lived in similar houses; and out of a total of 202,760 families in the rural districts, nearly 43,000 lived in houses of the same kind. The Census authorities, in drawing attention to that state of things, strongly condemned it as highly injurious to the interests of the community—which could scarcely be doubted, unless they adopted the view of the noble Lord, who, when asked if he was aware of the fact that nearly one-third of the people of Scotland lived in houses of one room, replied—"Well, what of it?—they are all very healthy." It had been truly said by the Bishop of Manchester that "decency must be unknown, modesty an unimaginable virtue, where in one small room men, women, and children, grown and growing up lads and girls were herded together; where all the operations of nature, births, and deaths, &c., were performed by each in the sight and hearing of all." But the evidence did not stop here. A few years ago a Royal Commission was appointed to inquire into the state of the women and children employed in agriculture, and they presented their Report last year in regard to Scotland, and it was well worth perusal. The Commissioners reported that the deficiency of proper cottage accommodation for labourers was very great, and had a very demoralizing effect, and their Report was fully borne out by the Assistant Commissioners. They stated that not only was the amount of house accommodation for agricultural labourers miserably defective, but the quality of the existing accommodation was lamentably deficient all over Scotland. In Perth-

shire the printed evidence of the present Secretary of the Highland Society stated that, as a rule, the cottages were a disgrace to the country. Ayrshire seemed to be the worst county in Scotland in that respect. Out of 42,500 of a population, there were 16,900 families living in single rooms. The Commissioners remarked that not only were new cottages not built, but the old ones were allowed to fall into decay and ruin, and no disposition was shown to repair them. On the Marquess of Ailsa's estate, it was mentioned that stables, byres, cartsheds, and disused dog-kennels and out-houses were converted into dwellings for agricultural labourers. It seemed to him, without going further into statistics, he had shown there was a lamentable deficiency in cottage accommodation for agricultural labourers; that although great improvements had taken place within the last ten years, there was still much to be done; that landlords had shown themselves unequal to supply the want; and that, therefore, it was now expedient to turn to occupiers, and give them some encouragement to supply houses for themselves. The Bill was intended to do that. It did not ask for grants of public money, nor did it propose any addition to the rates, it simply gave power to occupiers to remove at the expiry of their leases these buildings and to receive a moderate compensation for the cottages built by them during their occupancy. That the occupiers thought the Bill practicable and likely to bring about good results was shown by the fact that two of the leading agricultural societies of Scotland had petitioned strongly in its favour. Its provisions were not inimical to free trade in land, and did not prevent the landlords doing with their land as they chose. This was in one sense a labourers' question, but it was also an occupiers' question and a public question, for it was equally the interest of landlords and of the public at large that the agricultural labourer, whom Adam Smith had described as the most productive of all labourers, should have decent house accommodation, and every legitimate inducement to remain at home. It was because he believed that the Bill would do much in that respect, and because he thought that its provisions were equitable and fair, and well worthy the consideration of the House, that he

had much pleasure in moving its second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Fordyce.*)

SIR JAMES ELPHINSTONE in moving, "That the Bill be read a second time that day six months," said, he did so on the ground that it would not in the least have the results which it was intended to have. He admitted to the fullest extent the want of accommodation that existed, and that it was desirable it should be supplied; but he held that the Bill, besides being mischievous in many of its provisions, would be utterly useless for the purpose for which it was brought forward. In proof of that he would instance the Report presented to the Commissioners of Supply of Aberdeen by a sub-committee, over which the convener (Mr. Irvine of Drum) presided. He felt convinced, from that Report, that in the county of Aberdeen, there would not be five cottages built by the tenants under the provisions of the Bill. He was sorry he did not see the hon. Member for West Aberdeenshire (Mr. M'Combie) in his place on that occasion, because he agreed with his opinions most entirely on this subject, and he thought the experience of the hon. Gentleman would fully bear out his views. His opinions had always been that it was a very unfortunate thing when the cottages fell into the hands of the occupiers; and that was also the opinion of the hon. Member for West Aberdeenshire, who, in a paper on Farm Servants said he was strongly in favour of crofts, but they ought to be let by the landlord, because he generally found the tenant-farmers more grasping than the proprietors. This was a tenant-farmer himself, who, by his energy and activity, had converted a good many of those small farms into a large and extensive burgh, which he was possessed of. The hon. Member belonged to one of those debating societies or trades unions which had sprung up, who, laying aside the practice of agriculture, devoted themselves to the abuse of the landlords of Scotland—a signal instance being found in the Chamber of Agriculture of Edinburgh. Now he (Sir James Elphinstone) held in his hand the annual Report of the Association, of which the hon. Gentleman had spoken in such

contemptuous terms, and the House would see that what the Association undertook to do was to show to the gentlemen of Scotland the best mode of building cottages, the best materials for the purpose, the best modes of plastering, completing, draining, and glazing, and doing everything that could possibly lead to the comfort of the labourer; but they never undertook for one moment to find the funds with which those things could be accomplished. That book, however, and the plan with which it was accompanied, had been the means of spreading labourers' cottages from one end of Scotland to the other, and it was only required that funds should be obtained so as to enable the landed proprietors to build cottages on the commercial principles of being able to receive a fair percentage for their money, and they might depend upon it, they would build as many as required. What he would propose was, for the hon. Gentleman to withdraw the Bill, which really was one of the most absurd documents that ever came to his knowledge—a Bill which absolutely in the 4th clause proposed that the tenant to whom you let your land should bind you down to his own conditions. The Scottish farmer did not in the least degree stand upon ceremony with the persons he was dealing with. The one would state his bargain, and the other his; but it was not by means of the tenant-farmers, who were sensible men, that these claims were raised—they did not care a bit about them—but by the agitators who never advanced any means at all. By the Bill it was proposed that the tenant was to build a house of any description, and that the landlord should take it off his hands, and then the tenant was to give the landlord a valid title to his own stores and his own land. The hon. Gentleman had better withdraw the Bill and induce the Government to take the matter into their own hands. They were ready enough to introduce Bills for Irish purposes. There was, he believed, however, a great want of labourers' cottages in Scotland, and he believed the want could be readily supplied, if it were made a commercial transaction. What the Government had to do was this—to bring in a Bill by which they would permit proprietors, in conjunction with their tenants, to give the accommodation they required. Every landlord he was ac-

quainted with would be too happy and too ready to do that, if the money were advanced to them at the rate at which it was advanced to School Boards—4½ per cent for 50 years. Under any circumstances, the change must be exceedingly gradual. The habits of farm servants in Scotland were most regular. They were perfectly different from the habits of the English nature. They partook of the character of the country from which their origin was derived; and there was a great similarity in their habits and modes of dealing to those of more northern races, from whom they were descended. Instead of the bothy, these northern farm servants preferred huts, similar to those in use in Norway, except that Norwegian peasants were better provided for. There was no reason whatever why a tenant-farmer in Scotland, who wished to accommodate his labourers, should erect a kind of buildings which would last much longer than his lease. He (Sir James Elphinstone) had some which he covered with coal-tar and naphtha, and which would be perfectly sound habitations for forty years. In Norway, wood was used for the same purpose, and not only had the people comfortable and commodious dwellings, but they had an amount of accommodation, and a degree of privacy, which did not exist under the British system. There was no reason why the bothy system should not be made use of where you had unmarried servants, but where you had married servants it was of greater importance that they should have comfortable houses. The improvement of the bothy in the first instance was a matter of great moment. He would not weary the House with these matters, but would at once move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Sir James Elphinstone.)

Question proposed, "That the word 'now' stand part of the Question."

GENERAL SIR GEORGE BALFOUR said, the last speaker had made important admissions as to the acknowledged want of accommodation, and the probability that cottages would be built if the money required were forthcoming. This admission was at once a

*Sir James Elphinstone*

sufficient proof that the farms of Scotland were deficient of the accommodation required for carrying on the work of the farms. It was admitted that the hovels which existed in a very large part of Scotland were still of a most miserable character, and that labourers were living in cottages in which farmers would refuse to house their beasts. There could be no doubt that it was necessary in a social point of view to provide better accommodation suitable for the workmen desirous of marrying, and considering the state of marriage life, and the births in Scotland without marriage, everyone would join in advocating the erection of cottages calculated to promote marriages, and thus diminish illegitimacy. Considering the immense improvement in the value of landed property in Scotland, and that the rents of farms had nearly doubled, within a few years, and were year by year on the increase, it was clear that there existed the means of providing suitable accommodation for labourers out of the rising incomes of proprietors. Still the fact of labourers being housed in places of such a wretched description, that if soldiers were put into them, there would be a howl throughout the land which would make improvements inevitable. It was clear that the time had come for this Bill to be passed into law to enable tenant farmers to do what landlords had failed to do. And with that change in the relations between tenant and farmer, which were inevitable in order to ensure to the tenants the equitable return for money spent in improving the farm, the farmers were quite prepared to provide the capital needed not only for the cottages of labourers but for all other farm buildings. Another reason for insisting on improvement was, that emigration had gone on until there was a deficiency of labour for agricultural purposes, and no wonder, considering the better habitations which the labourer could occupy in Australia or in America. He would therefore give his cordial support to the Bill of the hon. Member for East Aberdeenshire (Mr. Fordyce.) It was a Bill well calculated to reflect credit on him as a landlord earnestly desirous to promote the general welfare of the country, and particularly to benefit agricultural interests. He had no doubt that when once the Bill got into Com-

mittee, if it ever reached that stage this year, those Amendments in the Bill could be made which would tend to remove the doubts and fears of the landlords.

Mr. VANS AGNEW wished to make a few observations on the subject of the Bill, which he had no doubt was brought in with the intention of improving the dwellings of the labourers in Scotland. He admitted very fully the necessity that existed for the accomplishment of that object, and he was sure none of those who could not agree with the terms of the Bill would dispute the deficiency of accommodation, and the inconvenience which existed; but he was unable to see that if the Bill were carried, it would have the effect of making matters any better in this respect, and he also saw provisions in the Bill which he did not think it would be desirable for that House to affirm or to pass. The hon. Member who introduced the Bill (Mr. Fordyce) had said the possessor should be entitled to compensation to the extent of the value of his cottages. It was a new thing to hear that the tenant-farmer was to be classed as the owner of the land which he held under another person who had the real right. Was it desirable, in a Bill of that kind, to give proprietary rights to a man who might be in only temporary possession of a farm? He might only be a yearly tenant. If the Bill were to go to a second reading, and they were to go into Committee, he should move that such rights should not be given to any man who had not at least 15 years of his lease unexpired. The Bill, moreover, even went so far as to enable the tenant to sell the site on which he had built the House—a site which in some cases the landlord himself would not be entitled to sell. The Bill further did not contain any exemption for existing contracts, nor did it provide against persons contracting themselves out of the provisions of the Bill. The hon. Member spoke of the building of cottages as the same thing as raising the crops for sale. It was a very different thing, a man sold a crop, but he left the land, which the tenant could have no right whatever to sell. The hon. Member spoke also of the exceptionally bad crops of last year; but really he could not see that these were arguments which should make them pass a Bill which was in-

tended to be a law for the future as regarded tenants. He would not enter into the question of the consequences, the immorality and indecency which the present state of things produced. The House must be already aware that the consequences were most disastrous; but they had been told by the hon. Gentleman (Mr. Fordyce) that things were improving. He told them that according to the Census of 1861 there were 36 per cent of families living in houses which had but one room, and that according to the Census of 1871 there were 33 per cent. That was an improvement—small, it was true, but still a gradual improvement in the right direction. Then the hon. Gentleman told them with, he thought, somewhat too strong emphasis, that all the efforts made by the landlords in Scotland in reference to building cottages of late years had failed. He (Mr. Vans Agnew) demurred very strongly to that statement. He had been observing for now more than 30 years great improvements in the cottages on the land. In his own county he had seen hundreds of new cottages put up, and in other counties which he had visited he had seen the same thing going on, and he was quite satisfied that the measure of the improvements effected by the landlords in Scotland had been simply the measure of what they were able to afford. He did not know of any landlord interested in that country who did not feel the difficulty there was in obtaining capital to build cottages, but yet who was doing his best in that direction, as far as means would allow. But they had been told that as the landlords had failed they ought to allow the occupiers to try their hand at building cottages. But what did hon. Gentlemen suppose that the occupiers would do if they were allowed to build cottages? Would they build the same sort of house that was now built by the landlords? What was the experience of hon. Members who had any acquaintance with Scotland? The first time he had occasion to attend an agricultural meeting, now a great many years ago, and when he was quite a young man, he happened to address in his own county an agricultural society on this very subject, and he had occasion then to point out to them the state in which matters were with regard to houses. The accommodation then pro-

vided for labourers was a long building with two small windows and one door partitioned off by two abominations called "box-beds," and that was considered sufficient by the occupiers for two families. They did not think the labourers required anything more. What was the cost of building houses? He could only speak for his own district. He could not build a good double cottage with three rooms in each cottage under £160. He might have built such a cottage a few years ago for £100; but wages and the prices of material had risen so high since then, that it could not be done for a less sum than that which he had stated. These houses would not let for more than £3 a-piece; and would any gentleman tell him that £6 was sufficient interest on a capital of £160? What he should desire to see would be a simple and easy method of charging the value of a sufficient cottage upon an estate when it was built. At present, to do that, he must petition the Court of Session, but that process cost £40 or £50, a sum which was simply prohibitive. If that were done, it would enable proprietors who might be under entails and fettered in other ways, out of their income to build one or two cottages or more every year, and to recover their money in the course of 12 months. Although he admitted that the want of good cottages was very great indeed, and that the consequences arising from that want were very deplorable, he could not give his consent to the second reading of the Bill as it stood. He would join most cordially with hon. Members who were anxious to promote the building of cottages if they would only go about securing that object in a more practical way—namely, by enabling proprietors to charge their estates to a small extent with the cost of the improvement. Then he believed they would see more cottages built; but he did not believe that if this Bill were passed there would be 100 cottages built under it in the whole of Scotland.

MR. J. W. BARCLAY said, he was not aware in whose interest the hon. Baronet who had moved the rejection of the second reading of the Bill had spoken, but he was certain that he had not spoken in the interest of the landlords of the country. He (Mr. J. W. Barclay) was afraid the hon. Baronet's experience of the management of land was not very

*Mr. Vans Agnew*

recent, or he would be more deeply impressed with the crisis through which the agricultural interest of the country was now passing. What was the condition of agriculture at the present moment? Some 25 years ago, when the Free Trade policy was introduced into this country, they had a large surplus stock of labour in the country, but the rapid strides of industry which followed that policy had during these 25 years not only absorbed the spare labour in the country, but had of recent years caused a very large increase in its price. If they looked to see what was the position of the farmer during this period, they would find that the great bulk of his produce—namely, grain—had not at all increased, that the prices over a series of seven years averages had not increased; and that notwithstanding the bad crop of last year—the worst he believed during the present century—the price of grain had not materially increased. It was quite true that the price of meat had greatly increased; but the present price of meat had not arisen so much from the increased demand as from failure in production; and although the price of meat at the present moment was very high, yet the farmers did not get the benefit of it, simply because they had few cattle to sell. They had thus on the one hand the cost of production increasing very considerably; and on the other hand, no material increase in the prices given for the produce. The result of that certainly would be that rents must fall. The price of land would fall, as the farmers would not be able to give the rents which they had paid hitherto. The present proposal was a Motion tending towards the reduction of the money price of labour. The farmers could not expect that labourers would continue upon their farms at wages of 15s., 16s., and 17s. per week for seven days work—because on the seventh day servants had to attend to the cattle and horses—when they saw that other labourers, such as coal-miners, who were engaged in a not more difficult labour, and who worked only five days a-week, could make double that amount of wages. There were certain advantages connected with agricultural labour which induced labourers to remain in the country, but unless they had cottages for themselves and their families it was impossible to expect that they should do so.

It seemed to him that the opinion was growing more and more widely that the ownership of land had its duties as well as its privileges, and he thought it would be admitted that one of the principal duties was that of providing houses as a part of the permanent capital of the land.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

#### CLERICAL JUSTICES DISQUALIFICATION AND JUSTICES OF PEACE QUALIFICATION BILL.

On Motion of Mr. HINDE PALMER, Bill to disqualify Clerks in Holy Orders while having cure of souls from acting as Justices of the Peace, and to amend the Qualification required for Justices of the Peace, *ordered* to be brought in by Mr. HINDE PALMER and Mr. LOCKE KING.

Bill *presented*, and read the first time. [Bill 197.]

#### TURNPIKE ACTS CONTINUANCE, &c. BILL.

On Motion of Mr. HIBBERT, Bill to continue certain Turnpike Acts in Great Britain; to repeal certain other Turnpike Acts; and for other purposes connected therewith, *ordered* to be brought in by Mr. HIBBERT and Mr. STANSFELD.

House adjourned at ten minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 19th June, 1873.*

#### MINUTES.]—PUBLIC BILLS—*First Reading*—

Law Agents (Scotland) \* (163); Indian Railways Registration \* (164).

*Second Reading*—Elementary Education Provisional Order Confirmation (Nos. 4, 5, and 6) \* (149, 151, 152); Thames Embankment (Land) \* (137); Grand Jury Presentments (Ireland) \* (158).

*Committee*—Agricultural Children (102-165).

*Committee—Report*—Local Government Provisional Orders (Nos. 2, 3, and 4) \* (135, 142, 143).

*Third Reading*—Vagrants Law Amendment \* (130); Fairs \* (131), and *passed*.

#### VISIT OF THE SHAH OF PERSIA—THE NAVAL REVIEW AT SPITHEAD.

##### OBSERVATIONS.

THE EARL OF CAMPERDOWN thought it might be for the convenience of their Lordships if he were to state that His Majesty the Shah of Persia would leave London for Portsmouth at

8.30 on Monday morning, and would reach Portsmouth about 10.30. A.M. A vessel, *The Simoom*, had been set apart for such of their Lordships as might desire to attend the naval review, which would leave the Dockyard at 9.30; and he believed arrangements were being made in connection with the House for a special train. The tickets, which would be issued by the Admiralty to-morrow, would not be transferable. The Admiralty were anxious to consult their Lordships' wishes as to ladies, and a certain number of tickets would be provided; but much would, of course, depend on how many of their Lordships put down their names as intending to go, and he should be glad if any Peer who did not wish to take a lady with him would intimate the fact. In any case, no more than one lady would be allowed to accompany a noble Lord.

VISIT OF THE SHAH OF PERSIA—THE  
MILITARY REVIEW AT WINDSOR.  
QUESTION.

LORD ORANMORE AND BROWNE wished to know whether any provision was to be made for the accommodation of the carriages of Peers at the reviews at Windsor and at Woolwich?

THE MARQUESS OF LANSDOWNE said, space would be set apart for the carriages of their Lordships at the Windsor review, and His Royal Highness the Ranger of Windsor Forest, in whose hands the arrangements were, had been pleased to forward tickets for distribution among their Lordships. The review at Woolwich was to be one of a less formal character, and he was not aware of any special facilities for Members of either House of Parliament.

AGRICULTURAL CHILDREN BILL.

(*The Lord Henniker.*)

(NO. 102.) COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 3 *agreed to*.

Clause 4 (Interpretation).

LORD HENNIKER moved an Amendment, by which the definition of "child" was altered from a child under 13 years of age to 12 years. Under the alteration no person could employ a child between the ages of 8 and 10, unless the parent should produce a certificate

declaring that the child had completed 250 school attendances within the preceding 12 months, and between the ages of 10 and 12 that the child had completed 150 attendances. As originally drawn the age was fixed at 12, but was altered to 13 by the House of Commons.

Amendment *moved*, line 16, to leave out ("thirteen") and insert ("twelve"). (*The Lord Henniker*).

THE MARQUESS OF RIPON opposed the Amendment. As the Bill stood agricultural children ceased to be affected by it at 13 years of age, which he did not think was too long to require attendance at school. The practical effect of the Bill was that the child was released from the necessity of school attendance a year earlier than the age stated; because as the obligation to produce the certificate as a condition for employment ceased at 13, the obligation of school attendance did not operate after the age of 12. A child might, consequently, be employed after the completion of his 12th year upon producing a certificate of 150 attendances between his 11th and 12th year. The alteration, in his opinion, would render the Bill almost useless.

THE DUKE OF RICHMOND questioned the accuracy of the construction placed upon the clause by the noble Marquess, and hoped his noble Friend (Lord Henniker) would adhere to his Amendment. It was necessary that in a measure restricting the employment of agricultural labour the prohibition should not be too stringent. It was essential that boys should be brought up to agricultural labour at a very early age—their earnings were of great importance to the parents, and at some periods of the year labour of this description was essential to the employers. Any prohibitions, therefore, that would materially affect these objects would be unpopular with both; and it was only by the co-operation of the farmers that a measure of this description could work.

THE MARQUESS OF SALISBURY said, that under the clause as it stood, a boy within a week of his 13th birthday would be unable to accept employment if he could not show 250 school attendances within the previous 12 months. By making the prohibition too stringent they would endanger the successful working of the measure, for its success

*The Earl of Camperdown*

would in a great degree depend upon the goodwill of the parties interested on both sides, and it was therefore necessary to make its provisions as little onerous as possible.

THE EARL OF KIMBERLEY thought the change proposed inadvisable. He believed that its effect in many cases would be that which his noble Friend the Lord President had described.

After some discussion, which was imperfectly audible,

On Question, *agreed to.*

Amendment made.

Clause, as amended, *agreed to.*

Clause 5 (Prohibition of employment of children under eight years in agricultural work) *agreed to.*

Clause 6 (Restriction on employment of children above eight years in agricultural work).

THE MARQUESS OF SALISBURY moved an Amendment, line 3, after ("twelve months") insert ("Such child was ill for a period exceeding thirty days, or that"); and at end of clause add—

("Provided, that if it be proved to the satisfaction of a court of summary jurisdiction in any petty sessional division that there are any special reasons which make the application of the provisions of this section to any particular child unjust or inexpedient, such court may if it thinks fit issue a license to such child's parent excepting him from the said provisions for a period not exceeding six months: Provided also, that this section shall not apply to agricultural employment connected with the hay harvest, the corn harvest, or the gathering of hops.")

Their Lordships would readily conceive that there were a great number of cases in humble life which would afford reasonable cause for the detention of children from school, but which would not come under the Proviso of the clause—which was confined to the simple excuse of there being no school to which the child could be sent. The noble Marquess pointed out that a similar discretionary power was given by the Elementary Education Act to School Boards.

THE MARQUESS OF RIPON said, the Government had no desire to make the Bill more stringent than it need be. He thought that a Proviso making some "unavoidable cause" sufficient would meet the view of the noble Marquess.

THE DUKE OF RICHMOND said, he preferred "reasonable" to "unavoid-

able." But he thought the clause was already too long, and would suggest that it should be divided into two, one of which could deal more fully with the question of excuses.

After some conversation,

LORD HENNIKER said, he would endeavour to frame a satisfactory clause, and would bring it up on the Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 7 (Certificate of school attendances to be given on application of parent) *agreed to.*

Clause 8 (Power to suspend temporarily restrictive provisions of Act) *struck out.*

Clause 9 (Persons employing children in contravention of Act to be deemed guilty of offence against Act.)

THE DUKE OF RICHMOND moved, after Clause 8, to insert the following clause:—

"The provisions of this Act with respect to the employment of children shall not apply in the case of any child who has obtained from one of Her Majesty's Inspectors of Schools, from the Diocesan Inspector of Schools, or from the Rural Dean of the rural deanery in which the parish to which such child belongs is situated, a certificate under his hand to the effect that such child has reached a standard equivalent to the fourth standard of the new code of regulations of the Education Department, made on the twenty-eighth day of February 1873."

At present the standard of qualification was a perpetually varying quantity, for the Education Department were constantly raising the standard, and it was therefore necessary to specify the particular degree of proficiency which should secure exemption.

THE MARQUESS OF RIPON objected to the Amendment as not in conformity with the Act of 1870, which intrusted the test of proficiency to Her Majesty's Inspectors only. If they were to go upon the principle of having those certificates, it must be done through Her Majesty's Inspectors. There would be difficulties in the way of imposing that duty on the other functionaries who had been suggested. Again, if, in addition to the requirements of the Education Department, they took another and altogether distinct standard, they would involve themselves in the inconvenience of having two examinations, and would also inflict some hardship on the children.

THE DUKE OF RICHMOND said, that if "Her Majesty's Inspector" was to



remain in the clause it would be practically a dead letter, because that officer would not have time to examine the boys who were to go to work. A boy who had not attained a certain standard on the day the Inspector went round might do so a month or two afterwards; but he would have to wait a twelvemonth until the Inspector's next examination before he would be entitled to get employment. He would not object, however, to the words "Her Majesty's Inspector," with this addition—"or, failing him, some person deputed by him."

THE DUKE OF MARLBOROUGH would prefer to see that provision omitted altogether, and a certain continuous and gradual amount of instruction made compulsory up to a certain age.

THE BISHOP OF CARLISLE observed that the duties of the Diocesan Inspectors were entirely confined to the religious inspection of the schools, and they had nothing whatever to do with the standards prepared by the Education Department.

EARL FORTESCUE thought it on the whole more desirable to give the children a right to be employed as soon as they had attained a certain standard of proficiency, instead of making the acquisition of knowledge a secondary point, and attendance at school a primary one.

THE MARQUESS OF RIPON accepted the suggestion that the words "or by some person deputed by him" be added after "Her Majesty's Inspector."

LORD HENNIKER observed that the clause was nearly the same as the Amendment he had on the Paper and was taken chiefly from the bye-laws of the London School Board. The proposed standard was one which most children of 9 or 10 years of age could reach, and his object was that children under that age should not come under the operation of the clause.

THE MARQUESS OF RIPON said, he was altogether opposed to the stereotyping of the standard of education, and moved as an Amendment that the standard under the Bill should be that prescribed for the time being by the Minutes of the Education Department in reference to the Parliamentary grant. If the Amendment were not adopted there should be a double examination of the children, one for the Parliamentary grant and another for the purposes

of the Act, if this Bill were to become law.

THE MARQUESS OF SALISBURY said, the Amendment would place in the hands of a Department of the Government the right to prescribe the conditions on which a child might earn its bread. He hoped their Lordships would not depute such a power to the Committee of Council on Education.

THE MARQUESS OF RIPON denied that he had made any such claim on behalf of the Education Department. He asked for nothing by the Amendment which Parliament had not sanctioned by the Act of 1870.

THE BISHOP OF CARLISLE supported the Amendment.

THE DUKE OF MARLBOROUGH thought that an examination which would qualify a child for the Parliamentary grant ought to be regarded as sufficient for the purposes of this Bill.

THE MARQUESS OF BATH thought that the Amendment would give to the Government the power of making the clause entirely nugatory. It would give to the Education Department—or rather to the body of secretaries, clerks, and commissioners, of whom it was really composed—a prerogative which now belonged to Parliament alone.

*Amendment agreed to.*

After further short debate, Clause (by leave) *withdrawn*; and new Clause *moved and agreed to*, as follows:—

Clause 8 (Cases in which provisions of Act shall not apply.)

"The provisions of this Act with respect to the employment of children shall not apply in the case of any child who has obtained from one of Her Majesty's Inspectors of Schools, or from some person to be deputed by him for that purpose, a certificate under his hand, to the effect that such child has reached the fourth standard of education as prescribed by the Minute of the Education Department for the time being in force with respect to the Parliamentary Grant, or such other standard as may from time to time be fixed for the purpose of this Act by Minute of the Education Department."

*Remaining Clauses and Schedule agreed to with Amendments.*

The Report of the Amendment to be received on *Tuesday* next; and Bill to be *printed* as amended. (No. 165.)

*The Duke of Richmond*

**NORTH AMERICA—ALASKA BOUNDARY  
—SAN JUAN WATER BOUNDARY.**

**QUESTIONS.**

**THE EARL OF LAUDERDALE** asked, What arrangement has been made to settle the water boundary line between the British Territory and Alaska; 2. If British subjects are to be paid for property taken from them on the Island of San Juan; 3. If the channels to the eastward of the Haro are open to British ships without let or hindrance; also the right of fishing. With regard to his first Question—that relating to the water boundary line—in the chart contained in the Blue-Book which had been laid on the Table of the House, the boundary was clearly defined, and he had nothing to say on that point, except so far as the navigation was concerned. It was equally essential that the navigation boundary should be distinctly laid down. He considered that the water boundary could be easily settled without arbitration—at least, he hoped so. At the present moment it might appear that this was not a matter of much consequence, but gold had been discovered up one of the rivers in this region, and it was highly probable that before long the exact water boundary would be a very important consideration. Since he had put his second Question on the Paper a Proclamation had been issued by the President of the United States making it known that the Government of that country would satisfy all just claims of British subjects. It was not, therefore, necessary that he should put that Question. He attached much importance to the third Question. The Haro Channel, was not navigable by sailing vessels, except when towed by steamers, there being a shoal in the middle of it. No doubt the United States of America would offer no objection to the passage of British ships in these waters, but he thought it would be well to have some definite arrangement respecting them. It was also very important that the right of fishing should be clearly defined.

**EARL GRANVILLE** said, that the noble Earl had made much more difficulty about the water boundary than really existed. The Treaty with the United States settled the boundary generally with regard to the British possessions and Alaska, and a Bill had been

introduced into Congress last Session appointing a Commission for the purpose of making arrangements as to the water boundary. Owing to the pressure of business, however, that Bill did not pass. The noble Earl, after the Proclamation issued by the President—and he had not since heard anything at variance with it—was right in not pressing for an answer to the second Question. With respect to the third Question, the boundary was defined by the Treaty to be in the middle of a certain channel. Unfortunately, the Treaty was not clear and precise in the definition which channel was intended, and under the Treaty of Washington the Emperor of Germany gave it as his award that the channel in question was the Haro Channel. He did not suppose there would be any impediment to the navigation of the eastward channels by British ships, but they were American waters. As to the Haro Channel, it was open to the ships of both countries.

**ELEMENTARY EDUCATION—ENGLISH  
AND SCOTCH CODES.—QUESTION.**

**THE MARQUESS OF BRISTOL** rose to call attention to the minute of the Lords of the Committee of Privy Council on Education, dated 22d May 1873, establishing a code of regulations for Scotland; and to ask Her Majesty's Government, Whether they will take steps to amend the English code by adding thereto similar provisions to those contained in article 19A. (3) and in article 21 of the Scotch code, so as to place the elementary schools of both countries on an equal footing as respects the aid to be derived from the Parliamentary grant? The noble Marquess, who was very imperfectly heard, was understood to state as his reason for bringing the subject under their Lordships' notice, that by the Minute of 1873 the Scotch schools were placed in a more advantageous position than the English schools; and he thought that this inequality should be redressed.

**THE MARQUESS OF RIPON** said, he would remind his noble Friend that one of the main arguments adduced by the noble Lords opposite, and by some also on that side of the House, in the discussions on the Scotch Education Bill last year was that the state of education in Scotland was exceptional, and that on that account certain arrangements ought

to be made and prescribed by Act of Parliament in order—as the Act recited —“to keep up and maintain the existing state of education” in that country—particularly in what were called the higher branches. It was notorious that things were taught in parochial schools in Scotland which would not be thought of in English schools, and the Scotch were desirous that this system should not be interfered with. So jealous, indeed, were they on this point, that a special provision that the standard of education should not be lowered was inserted in the Act. Again, by an Amendment introduced in that House it was provided that the Scotch Education Board in Edinburgh should have the right to prepare and propose a Code for the consideration of the Scotch Education Department in London. This they had done with great ability. The Department in London had been able to agree with them as to the provisions to be introduced, while the Education Board in Edinburgh were very well contented with the modifications made in the proposals they sent up. There had been no system in Scotland similar to that which existed in this country, but the differences between the two systems were less now than they had ever been before. To the statement of his noble Friend that some of the arrangements made by the Minute of 1873 were more favourable to the Scotch than to the English schools, he would remark that other arrangements in different directions were more favourable to the latter. The express provisions in the Act of Parliament with regard to the higher branches of instruction would, he thought, enable the schools in Scotland where those higher branches of education were taught to earn more money. On the other hand, a deputation who waited on his right hon. Friend Mr. Forster the other day asserted that it would be difficult for Scotch schools to earn as much as could be earned by schools in England. This was a remarkable instance of the difficulty of ascertaining beforehand whether more or less could be made under the provisions of a particular Code. He could not promise to introduce the specific provisions of the Scotch Code into the English Code; and if he were to do so, without making other changes, the Scotch would immediately cry out against being excluded from certain provisions

*The Marquess of Ripon*

of the English Code. When the time arrived—as it did from year to year—to reconsider the Codes, it would be the duty of the Department to avail itself of the experience of both countries; but it would be most inexpedient to make a sudden change in the middle of the educational year. The managers of schools looked forward to changes being made at regular periods when it was known that the Codes came under consideration, and it would be most inconvenient to make a change in the middle of the school year. He could give no pledge except that the whole question should be considered from time to time in the light of experience. The allowance for special subjects under the Scotch Code was founded upon the express words of the Act of Parliament which required the Department to take special measures for meeting the demand for a higher class of education in Scotland.

House adjourned at half-past Seven o'clock,  
till To-morrow, half-past  
Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, 19th June, 1873*

MINUTES.]—NEW WRIT ISSUED—For Bath, &c. Hon. George Henry Cadogan, now Earl Cadogan, called up to the House of Peers.  
SELECT COMMITTEE—Mail Contracts (Cape of Good Hope and Zanzibar), appointed.  
PUBLIC BILLS—Ordered—*First Reading*—Court of Queen's Bench (Ireland) (Grand Juries) \* [198].  
*First Reading*—Turnpike Acts Continuance, &c. \* [199].  
*Second Reading*—Petitions of Right (Ireland) \* [189].  
*Referred to Select Committee*—Blackwater Bridge \* [176], nominated.  
*Committee*—Rating (Liability and Value) [146] —R.P.  
*Committee—Report*—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3) \* [183]; Tithe Commutation Acts Amendment (re-comm.) \* [193].

## ARMY—THE VOLUNTEERS—BRIGADE DRILL—QUESTION.

MR. FORDYCE asked the Secretary of State for War, Whether Volunteer Corps will be required to attend brigade drill where the cost of conveyance necessarily exceeds the Government Grant for the purpose?

MR. CARDWELL: Sir, general officers have been cautioned that they are not to call upon Volunteer corps to attend, when they would be prejudicially affected by doing so.

REFORMATORY AND INDUSTRIAL  
SCHOOLS—ASHTON-UNDER-LYNE  
CATHOLIC SCHOOL.

QUESTION.

MR. CAWLEY asked the Secretary of State for the Home Department, Whether his attention has been called to a coroner's inquest held in Salford, on Monday the 9th instant, on the body of a boy named Patrick Slane, aged nine years, who had been confined in the Roman Catholic Industrial School at Ashton under Lyne, and at which inquest the jury, whilst finding a verdict of death from natural causes, added that they were of opinion that the officers of the institution have not had sufficient experience to qualify them for the duties they have to perform, that they believe there has been considerable neglect in the domestic arrangements of the school, and that the deceased boy had not had either the kind attention or suitable nourishment required by a boy of his tender age and weakly constitution, and that in their opinion an inquiry by magistrates of the county, or some other duly authorised authority should be instituted into the whole discipline of the school; and, whether he is prepared to order such an inquiry; and, if so, whether it will be conducted in public?

MR. BRUCE: Sir, the Question of the hon. Member divides itself into two parts. First, the circumstances of the boy's death; and, secondly, the condition of the Industrial School. As to the first point, it appears that the boy was admitted in December last in delicate health, and suffering from the disease of which he died, and was placed under the care of the house surgeon. It is asserted by the managers, but was not satisfactorily proved to the coroner's jury, that the boy received every care and attention from the matron and officers. On the 26th of May he was, by the surgeon's advice, allowed to go home to his mother, where he died in a few days. His death ought to have been reported to the Home Office, but was not. The Inspector of Reformatory and Industrial Schools has applied for full information

to the manager who is in temporary charge of the school, but has not yet received it. Now as to the second point. The state of the school has been the subject of inquiry and correspondence for three or four weeks past on the part of Mr. Turner, the Inspector. The school was set on foot in 1869 by the then Roman Catholic priest of Ashton-under-Lyne. He was assisted by Mr. Aspland, a Protestant magistrate, and latterly by a small committee of Roman Catholic gentlemen of Manchester and the vicinity. The school was carried on with fair average success for the first two or three years; but on the inspection for last year it was found necessary to represent very strongly the want of cleanliness and effective teaching, and to threaten the suspension of the certificate. Unfortunately, in consequence of Mr. Aspland's illness and other circumstances, the management of the school and the receipt and control of the money paid by the Government and by local authorities for the maintenance of the boys committed to it were left without any interference in the hands of the priest, and the result is that the school is now involved heavily in debt, and that for some months past the discipline and treatment of the inmates have been very unsatisfactory. The late manager was removed by the Roman Catholic Bishop and another priest appointed in his place. Mr. Rogers, the Assistant Inspector, has visited the school, and conferred with the Committee. He will meet them again in a few days, and after receiving his Report, I shall be in a position to decide whether it will be necessary to revoke the certificate and discontinue the school, or whether such improvements in its future management will be guaranteed as will justify me in sanctioning its continuance.

ARMY—AUTUMN MANŒUVRES—COM-  
PENSATION.—QUESTION.

LORD HENRY THYNNE asked the Secretary of State for War, If he can give any reason why the claims for compensation for damages in the Autumn Manœuvres last year have not been all settled in Wiltshire; and, if he can state any time before which all such claims shall be paid?

MR. CARDWELL: Sir, all the claims except one have been amicably settled,

and that one remains at present unsettled, because it is greatly in excess of any other similar claim, and the Compensation officer, not being satisfied as to its amount, is still in correspondence with those by whom it has been preferred.

#### ARMY—COST OF DEPOT CENTRES.

##### QUESTION.

MR. WHARTON asked the Secretary of State for War, If he will state the sum expended or to be expended in the purchase of land and purchase and erection of buildings for depot centres throughout the United Kingdom?

MR. CARDWELL: The sums, Sir, are stated in the Schedule of the Act of last year. The sum for the purchase of land at depot centres is £204,000, and that for the purchase and erection of buildings at those centres £1,627,000.

#### CRIMINAL LAW—

#### THE HALSTEAD MAGISTRATES— CASE OF SAMUEL MAYS.

##### QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether his attention has been directed to the case of Samuel Mays, lately sentenced by the Halstead Magistrates to one month's imprisonment on the charge of deserting his wife and family, and leaving them on the parish; the statement on his behalf being that the man had gone to Durham to find work, had remitted some of his earnings to his wife, had spoken to his employer for a house, and was preparing to send for his family; and, whether he will make an inquiry into the matter?

MR. BRUCE: Sir, I have inquired into this case, the facts of which are as follows:—Samuel Mays was apprehended on a warrant for leaving his wife and six children chargeable to the parish. It appeared that he had left his parish in Essex some nine weeks before his apprehension, and had gone to Durham in search of employment. This he obtained after the lapse of a week, and had during his absence sent his wife £1 16s., his wages being £1 a-week. He had, however, lost a week's work from no fault of his own, and his earnings had amounted to £7; he stated that he was in treaty for a house, but no evidence of this was offered. The

*Mr. Cardwell*

offence of leaving a wife and children chargeable to the poor rate is punishable by three months' imprisonment; the magistrates sentenced him to one month's imprisonment, observing that the prisoner was quite right to go away if he could better himself, but if he did so he was bound to make arrangement for the support of his family in his absence. It is not easy to decide these cases satisfactorily. It would be a most dangerous position to assume that a man might leave his family to be supported by the poor rates on the chance of his obtaining employment elsewhere at some indefinite time. On the other hand, in cases where a man, as in the present instance, was unable to obtain a sufficient livelihood at home, and sought and obtained employment elsewhere, making remittances to his family, it was obviously desirable that the law should be leniently applied. I think that a less severe punishment would have satisfied the justice of the case. At the same time, I am satisfied that the imputation made elsewhere on the magistrate of personal feeling against the prisoner is unfounded. I have no doubt he did his duty impartially and according to the best of his judgment. The sentence has expired, and there does not appear to be any necessity for further inquiry.

#### IRISH JURIES LISTS—REMUNERATION OF CLERKS OF UNIONS.

##### QUESTION.

MR. G. BROWNE asked the Chief Secretary for Ireland, Whether it is intended to remunerate the Clerks of Unions in Ireland for the additional duty imposed upon them in making out Lists of Jurors?

THE MARQUESS OF HARTINGTON in reply, said, that these expenses would be dealt with under the Act of 1871. Probably his hon. Friend had in his mind the various Petitions which had been presented by Boards of Guardians, praying that the expenses under the Juries Act should be paid out of the Consolidated Fund. That, however, was a question which would have to be considered separately both as regarded England and Ireland, and he could not hold out any hope that the course proposed would be adopted.

POST OFFICE—PURCHASE OF TELE-  
GRAPHS—OUTSTANDING CLAIMS.

QUESTION.

MR. DENISON asked the Postmaster General, When the Return, ordered by the House on the 1st May last, regarding outstanding claims of Railway Companies for the purchase or rent of their telegraphs will be laid upon the Table; and, if all claims from the United Kingdom have been received and registered?

MR. MONSELL: Sir, Mr. Chetwynd expresses a confident expectation that the Return, so far as it can be given, will be ready by the 10th of July. We have received and recorded all the notices from Railway Companies requiring the Postmaster General to purchase their telegraph undertakings, which, within the time prescribed by the Telegraphs Acts, 1868-9, can be given. In the great majority of cases, however, the amount to be claimed has not yet been specified.

ARMY—THE NEW VALISE EQUIP-  
MENT.—QUESTION.

LORD ELCHO asked the Surveyor General of Ordnance, Whether the Troops taking part in the coming Manœuvres will, both Regulars and Militia, be supplied with the new valise equipment; and, whether it is in contemplation to adopt a new pattern legging, or laced boot, and water bottle?

SIR HENRY STORKS: Sir, the new valise equipment will not be supplied to troops taking part in the coming Manœuvres who are not already provided with it. An alteration has been made in the pattern of leggings to be issued next year; but trials are being made in order to ascertain whether a boot could not be introduced which would combine the advantages of boot and legging. A water bottle of the Italian pattern is being introduced into the service.

ARMY—MAJOR GENERAL SHUTE.

QUESTION.

MR. ANDERSON asked the Surveyor General of Ordnance, Whether he has made further inquiry into the allegation that the Commanding Officer of a Cavalry Regiment had misappropriated the lodging allowance of the riding master, and for that purpose had falsified a

War Office Return; whether the allegation was substantially true; whether, in order to exculpate other regiments, he is prepared to name the regiment in which this irregularity took place, and to explain what steps have been or will be taken by the authorities; and, whether the officer has been or will be shortly promoted to a high office?

SIR HENRY STORKS: Sir, assisted by the information which has been furnished to me by the hon. Gentleman, I have made further inquiry into the charge that has been preferred against a cavalry officer by calling on that officer for an explanation. The officer referred to is the late lieutenant-colonel of the 4th Dragoon Guards, now Major General Shute, and the transaction occurred so long ago as 1871. On calling on the Major General for an explanation that officer responded in the frankest manner. It appears that in 1871 the lieutenant-colonel of the 4th Dragoon Guards, having a number of recruits and young horses, thought it absolutely necessary for the good of the service that the riding-master should live in the barracks, and as that officer had a family he gave up his quarters to him, drawing when the barracks were not fully occupied the consolidated allowance of fuel and light himself. When the barracks were quite full the riding-master was placed on the lodging list, and the commanding officer, instead of drawing the consolidated allowance of fuel and light, received the lodging allowance of the riding-master, amounting to £7 12s. There has been no loss to the public by this transaction; but the commanding officer ought to have represented the circumstances of the case, and it would not have been at variance with precedent for permission to have been given to him to proceed as regards the quarters as he did on his own responsibility. It cannot, however, be denied that the Return which he signed was not in literal accordance with the circumstances as they actually occurred. Major General Shute excuses this on the ground that he did so through inadvertence, and without properly examining the Return and satisfying himself of its correctness; but he has been informed by the Field Marshal Commanding-in-Chief, that the Secretary of State cannot excuse the signature by an officer, for whatever reason, of a Return not true in fact, and

His Royal Highness has been requested to convey to him an expression of the Secretary of State's displeasure on this account. With reference to the last portion of the hon. Gentleman's Question, I find on inquiry that Major General Shute has not been promoted to any other office, if office it can be called, than that of honorary colonel of Volunteers, and I do not know of his being promoted shortly to any high office. I do not, however, wish this answer to be interpreted as conveying the impression that this error is to be regarded as a disqualification to all future time for employment suitable to his rank.

#### THE TICHBORNE CASE—

#### THE QUEEN v. CASTRO.—QUESTION.

MR. WHALLEY said, that, in explanation of the Question he was about to put, he begged leave to state that the previous day the Lord Chief Justice of England charged the Attorney General with the responsibility of protecting the administration of justice by bringing before the Court all persons whom he might consider guilty of contempt of Court in reference to the present case. He would now ask Mr. Chancellor of the Exchequer, with reference to the prosecutions for contempt of Court in reference to the Tichborne case, Whether on the part of the Government he is prepared to pay such costs; and, if so, whether he so acts by the advice of the Attorney General, or on what other legal advice; and also, as to the general expenses of this prosecution, whether he is prepared to state the amount already paid or incurred, and to what extent the Government are pledged to provide funds for this purpose?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the costs which have been incurred by anything that has been done under the direction of the Chief Justice in this matter are already provided for, under the head of "Law Charges," by the Vote of this House; and therefore I have no duty to discharge with regard to asking the Attorney General's or any one else's opinion on the subject. As to the second part of the hon. Gentleman's Question, which asks as to the amount of the costs already paid or incurred in the prosecution now pending, that Question appears to me an improper one. It can only—I will not say that

it is intended to have such an effect—but it can only serve to prejudice the case which is now pending.

#### ARMY—COLONELS OF CAVALRY REGIMENTS.—QUESTION.

SIR LAWRENCE PALK asked the Secretary of State for War, Whether there is any truth in the rumour that the pay of Colonels of Cavalry Regiments of the Line has been reduced to that of Colonels of Infantry Regiments; if so, by what authority such change has been effected; and, upon what terms the two last appointments to Colonelcies of Cavalry Regiments were made?

MR. CARDWELL, in reply, said, the price of cavalry commissions having been reduced to the infantry rate, there appears no longer any reason why the general officers of cavalry should receive, when appointed to regiments, a larger sum than officers of infantry; and, as it was in contemplation to submit to Her Majesty a Regulation on the subject, the officers who had lately been appointed to cavalry regiments had accepted the appointments subject to such a reduction, should it be approved by Her Majesty.

SIR LAWRENCE PALK gave Notice that he would put a Question as to the legality of the step taken by the right hon. Gentleman.

#### COMMISSIONERS OF EXHIBITION, 1851 —LAND AT SOUTH KENSINGTON.

#### QUESTIONS.

SIR HENRY HOARE asked the First Commissioner of Works, Whether it is true that the Royal Commissioners of the Exhibition of 1851 have offered to lease for building purposes certain pieces of land fronting Kensington Gardens, and lying between Queen's Gate and the Albert Hall, forming a portion of the site originally selected by them to be devoted specially to purposes connected with science and art; and, whether tenders for the same were not to be sent in on the 18th instant?

MR. AYRTON, in reply, said, that being an *ex officio* Commissioner of the Exhibition of 1851 he had made inquiries to enable him to answer the Question of his hon. Friend; but as there were other Gentlemen sitting on the Ministerial bench who were also

*Sir Henry Storks*

Commissioners, and would, no doubt, like to answer all questions relating to that Commission; he hoped the putting of a Question on this subject would not be drawn into a precedent. The Commission was constituted by two Royal Charters, the second of which conferred upon the Commissioners licence and authority to purchase and hold lands and hereditaments in any part of the Queen's dominions, and provided that such lands and hereditaments might from time to time be applied to such purposes as might be deemed fit. Thus an absolute discretion was vested in the Commissioners to buy and sell land. The Commissioners having from time to time purchased a large extent of land in the neighbourhood of the Exhibition, had, in the exercise of their power, sold some and let other portions of the property they had so acquired, with the object of raising funds for carrying out the purposes they had in view. The lands, with the houses standing upon them, to which the hon. Baronet's Question particularly referred, had been let upon lease as private residences by the Commissioners, and when the leases fell in the Commissioners would deal with those lands and houses in a manner which they considered would be the best for the interests intrusted to them. In dealing with the property to which the Question of the hon. Baronet referred, therefore, the Commissioners had acted entirely within their authority, and it was quite a mistake to suppose that the lands they held had been especially dedicated to purposes connected with science and art, or any other public purpose. They had let land for the Albert Hall; for the Horticultural Gardens, and for Government purposes; and in doing so they had not exceeded their authority.

SIR HENRY HOARE asked Mr. Attorney-General, Whether, if the above circumstances are correctly stated, such a proceeding is not distinctly contrary to the spirit and provisions of the Act 21 and 22 Vic. c. 36, under which the Commissioners of 1851 hold their charters, and under which they have only power to sell off for purposes other than those of science and art, detached blocks of the land vested in them?

THE ATTORNEY GENERAL, in reply, said, that the hon. Baronet, on looking at the Act, would see that the

proper answer to his Question would depend upon a number of facts with which he was not at present acquainted. He was entirely ignorant of the contents of the Charters under which the Commissioners were appointed. It was his duty to have a knowledge of the Act of Parliament, and he had accordingly looked at it carefully, and the hon. Baronet would see from its terms that whether the Commissioners had or had not acted within their authority depended upon whether they had discharged certain liabilities enumerated by the Act of Parliament, as to which he really had no knowledge.

SIR HENRY HOARE gave Notice that he should take the opinion of the House upon the subject, by moving for a Return relating to the question on some early day.

#### ARMY—SUBALTERNs OF MILITIA. QUESTION.

COLONEL STUART KNOX asked the Secretary of State for War, Whether, in the event of the Subaltern of Militia recommended, by the Officer commanding, for a Commission in the Line not passing the qualifying examination, he will allow another Officer of the same Corps to be examined, so that the advantage may not be lost to that Regiment?

MR. CARDWELL: The case supposed, Sir, has been provided for in the War Office Circular of the 21st of April, 1871, Clause 81, Art. 8, which is in the following words:—

"In the event of a Militia Regiment, when a Commission is offered, having no candidate for it, or in the event of the candidate nominated failing after a second trial to pass the required examination, the Commission will be offered to the Regiment next on the roster which is not included in the number detailed for the current year."

#### THE NATIONAL GALLERY— FLOORING OF THE NEW BUILDINGS. QUESTION.

MR. BOWRING asked the First Commissioner of Works, Whether it is true that it is intended to construct the floors of the new buildings of the National Gallery of wood; whether the Director and the Architect of the Gallery have been respectively consulted on the subject; and, whether he will be willing to



consider the propriety of substituting fireproof materials in lieu thereof?

MR. AYRTON, in reply, said, that the flooring of the National Gallery consisted of two things; in the first place, of that which upheld the surface, and in the second place of the surface itself. The solid part of the flooring was built of iron and of brickwork, and was therefore to a certain extent fireproof; but some disagreement had arisen between the trustees and the architect of the building as to the nature of the material that should form the surface of the flooring, the trustees preferring a wooden flooring, while the architect recommended a tile flooring. Perhaps there was not much to choose between the two materials, on the ground that one was less likely to take fire than the other; because having in view the fact that many of those who were likely to frequent the Gallery would be shod, not only with leather, but with iron, it would be absolutely necessary, in the event of the tile flooring being selected, to cover it with some material that would be equally liable to take fire with wood flooring. As the trustees were of opinion that wood flooring was for all purposes of convenient use better than tile, the former would be adopted.

#### TRANSIT OF VENUS IN 1874.

##### QUESTION.

SIR DAVID WEDDERBURN asked the First Lord of the Admiralty, To what extent the Government are prepared to comply with the request recently made by the visitors of the Royal Observatory, and by the Astronomer Royal, that the means of organizing parties of Observers in the Southern Ocean may be afforded, with the view of finding additional localities in the sub-antarctic regions for observing the whole duration of the Transit of Venus in 1874?

MR. GOSCHEN in reply, said, that the requests made by the officers of the Royal Observatory and the Astronomer Royal only reached the Admiralty yesterday, and he should therefore feel obliged if the hon. Baronet would renew his Question on a future occasion. He might add that the requests referred to would receive every attention.

*Mr. Bowring*

#### POST OFFICE—EXTENSION OF TELEGRAPHS—MISAPPLICATION OF FUNDS.—QUESTION.

MR. DILLWYN asked Mr. Chancellor of the Exchequer, Whether the inquiry respecting the employment of certain funds under the control of the Post Office Department for extensions of the Telegraph system, which on the 21st of last March he promised should be instituted, has yet been concluded; and, if so, when its result will be laid before the House?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the inquiry to which the hon. Member's Question referred had been concluded, and the proceedings having been transmitted to the Committee on Public Accounts, it would rest with them to decide in what form the matter should be submitted to the House.

#### PARLIAMENT—BUSINESS OF THE HOUSE—EDUCATION ACT AMENDMENT BILL.—QUESTION.

MR. DIXON asked the Vice President of the Council, Whether he will move the Second Reading of the Education Act Amendment Bill on Monday next; and, if so, whether he will place that Bill on the Paper as the first Order of the Day, in order that there may be time for a full discussion of the measure?

MR. GLADSTONE in reply, said, that, as the Question related to the general Business of the House, he should prefer answering it in place of his right hon. Friend. It was not the intention of the Government to bring forward this measure on Monday night in consequence of its being doubtful whether the necessary attendance of hon. Members for discussing the Bill fully could be secured. It was proposed to take the remaining Votes in the Army Estimates, and subsequently, if time permitted, to take the Education Vote. The Education Act Amendment Bill would be brought forward again as soon as possible, but just at present it was necessary that some further progress should be made with the business in hand. Care would be taken to fix a convenient day for taking the Bill.

# INLAND REVENUE—DUTY ON VOLUNTEER PRIZES.—QUESTION.

MR. GOURLEY asked Mr. Chancellor of the Exchequer, If it be true that the sum of thirty pounds has been charged by the Customs for Duty on prizes won by English Volunteers at the "Belgian Tir National" in September last, and recently distributed to the successful competitors by the Right honourable the Lord Mayor of London; and if, under the circumstances, an order will be issued from the Treasury to remit the Duty?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the duty had been collected. He could not state the amount, but it was at the rate of 1s. 6d. per ounce on the silver plate. In 1871 it was resolved that for the future no exception should be made in favour of presentations, and it was under that rule the collection had been made.

## VISIT OF THE SHAH OF PERSIA—REVIEW AT WOOLWICH. QUESTION.

LORD ELCHO said, many hon. Members would desire to see the great Review of Artillery at Woolwich, and he wished to know whether a part of the ground might not be reserved for the accommodation of Members?

MR. CARDWELL, in reply, said, that no doubt interest would be felt by hon. Members in the Review, in which 13 or 14 batteries of the Royal Artillery would take part. But there would be no stands, and the space for carriages was very limited. If any Members of the House desired a portion of that space and would communicate with him, he would endeavour to secure it for them.

## CONTEMPT OF COURT—EXPLANATION.

THE ATTORNEY GENERAL: I wish, Sir, to make a short explanation of a statement made, on my authority, by my right hon. Friend at the head of the Government, in reference to the cases for contempt of Court. My right hon. Friend was speaking from information which I had placed at his disposal, and in the course of his statement he said that the Attorney General had not been concerned in any of the cases connected with Members of this House. At the time I furnished him with that infor-

mation I was not aware that Mr. Carter, whom I brought before the Queen's Bench at the direction of the Lord Chief Justice, was the hon. Member for Leeds. I was thinking only of the hon. Member for Peterborough (Mr. Whalley) and the hon. Member for Guildford (Mr. Onslow).

## PARLIAMENT—THE SHAH OF PERSIA'S VISIT TO THE CITY.

MR. GLADSTONE, in moving—

"That the Orders of the Day subsequent to the Rating (Liability and Value) Bill should be postponed until after the Notice of Motion relative to the Cape of Good Hope and Zanzibar Mail Contract,"

said, he wished to take that opportunity of referring to the course of Business for to-morrow. At the morning sitting it was proposed by the Government to proceed with the Rating (Liability and Value) Bill; and with regard to the evening sitting, the Government would be very glad, if it were possible, to turn it to account by putting forward the Public Business. But the Government was given to understand that as there was an entertainment to be given by the Lord Mayor to-morrow evening in the City, it would be difficult to obtain the necessary attendance of Members. That being so, it would be desirable to settle the question beforehand rather than trust to the chapter of accidents, because great inconveniences arose from the lapsing of the Order of Supply, and the arrangements made for Monday were thereby deranged. Unless, therefore, he had reason for supposing that he was under-estimating the desire of Members to attend in this House to-morrow, he should propose that, at the end of the day Sitting, the House should adjourn till Monday.

Motion agreed to.

## RATING (LIABILITY AND VALUE) BILL.—[BILL 146.]

(Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen Mr. Hibbert.)

COMMITTEE. [Progress 17th June.]

Order for Committee read.

Bill considered in Committee.

(In the Committee).

Clause 4 (Repeal of 6 & 7 Vict. c. 36 and 32 & 33 Vict. c. 40).

MR. COLLINS, who had an Amendment on the Papers, to move in line 6, after "1869," to insert—

"and the provisions of the thirty-second and thirty-third Victoria, chapter forty, shall be construed to extend to all public elementary schools,"

said, the Committee had decided that Sunday and ragged schools should be exempt, but a still stronger claim might be made out for public elementary schools, because they were a necessity which the law required to be supplied in every parish, and when such schools were supplied by others the pockets of the ratepayers were thereby saved. He should, however, propose his Amendment when the question of exemptions was considered generally.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. MUNTZ said, that for three years or more the House had been assured by the Government that a great principle was involved in the subject of exemptions; but the moment the matter touched the question of expediency they shrank from their own declaration. The fact was no country could be governed upon abstract principles. The Committee had decided by an immense majority that the exemption should be continued to ragged schools; but the clause now before the House was nothing else than a proposal to repeal an Act which was passed after careful consideration, and which exempted from rates and taxes literary and scientific institutions supported by voluntary contributions, and by repealing the Act as proposed, the Legislature would be guilty of a breach of good faith. There was a literary institution in Birmingham, whose income was only £500 a-year, and if the exemption was removed it would be taxed to the amount of £150. He hoped the Committee would not throw over such institutions for the sake of what was not even an abstract theory, for the principle had been departed from in other cases. The best thing to do would be to reject the clause, and to have the question decided upon the Amendment which would be moved by the hon. Member for Boston (Mr. Collins).

MR. COLLINS remarked that it was desirable the matter should be decided

upon an uniform principle. If ragged schools were to be exempted, public elementary schools ought to be placed in a similar position. When the whole question was raised they ought to catalogue the institutions which should be brought under the operation of the clause.

MR. STANSFELD said, his hon. Friend (Mr. Muntz) was under some misapprehension, for he dealt with the exemption of literary and scientific institutions as if it were one with the claim for exemption on the part of hospitals and charities. But the only question was whether they should repeal the Act 6 & 7 *Vict.*, which provided a positive exemption for literary and scientific institutions. The main object of the Bill was the repeal of all exemptions, and the clause had been framed in accordance with that view. The Act exempted literary and scientific institutions not only from the payment of poor rates, but from the payment of county rates, borough rates, and local rates of every description. Under what conditions? The societies must be for the promotion of science and art. The Act which exempted them was, in fact, an aristocratic Act. They were not all of them supported by voluntary subscriptions; in fact, some of them obtained Government grants, and it was only the wealthiest of these societies that were exempted, which occupied the whole of their premises, without being obliged to make up part of their income by letting any portion of them. They must also be certified by the certifying barrister under the Friendly Societies Act. Societies to promote education of the poor by providing training schools were not exempted. But among the societies for science and art he found two rather curious instances of exemption. The Popular Conservative Association was exempted; and, to show the impartiality of the certifying barrister, the Ribble Working Men's Liberal Association was also exempted. The societies benefited by the positive exemption of the Act were not such as brought education and useful knowledge within the reach of the great mass of the community, but the aristocracy of literature and the fine arts. He did not, therefore, see that they should come under the exemption granted to industrial and ragged schools by this clause.

MR. GATHORNE HARDY said, he was not prepared to assist the literary and scientific institutions in claiming an exemption against all the world. They obtained their exemption because it was supposed to have been the law acted on for generations that the want of beneficial interest in some particular person was a ground for exemption. For instance, the Mersey Docks were exempted. In consequence of hospitals and other institutions being exempted, a Bill was brought in by the hon. Member for Gateshead (Sir William Hutt) for the exemption of literary and scientific institutions, which had occasioned much litigation, under the direction of parish officers. The exemption of the Mersey Docks had been repealed; and he would rather have allowed the matter to rest on the old basis—namely, that where there was no beneficial interest there should be no rate, or that none should be exempted. They exempted Sunday schools and ragged schools, which, however excellent, were not better than hundreds of other institutions which were not exempted. In his opinion the Government, by the exemptions they had made, had, in fact, given up the principle of the Bill.

THE SOLICITOR GENERAL said, that with regard to the exemption of the ragged schools the matter stood upon a totally different ground from the other cases. That exemption was not absolute, because it was in the power of the local authorities either to rate or to exempt them. It was an entirely different thing to give an exemption to these literary societies which did not depend upon the local bodies at all.

MR. BAINES said, he thought the right hon. Gentleman (Mr. Stansfeld) was quite mistaken with regard to the real character of a large body of these institutions. They were not of an aristocratic character. Most of them were mechanics' institutions, and were established by Lord Brougham and Mr. Birkbeck for the purpose of giving scientific instruction to those who were engaged in the pursuits of industry, and it was working men who were chiefly benefited by such institutions. They had been exempt from rates for a period of 30 years, and the repeal of that exemption would be a great blow to their prosperity. If, by an *ex post facto* law, these institutions were now to be rated, many would

find it difficult to pay the rates, because they subsisted mainly on the benevolent charity of the upper classes; and if he crippled them we should strike a fatal blow at our industrial supremacy.

LORD JOHN MANNERS said, the Solicitor General had pointed out that, while the exemption of Sunday and ragged schools was optional with the local authorities, that of scientific and literary institutions was absolute; and the question therefore arose whether all hospitals and charities, literary and scientific institutions were to be put on the footing which the Government had now constituted. He wished to know whether the suggestion of the Solicitor General would be carried out in the subsequent clauses of the Bill.

THE SOLICITOR GENERAL said, he had not admitted that the exemption of Sunday and ragged schools was sound in principle, but he had pointed out that there was a distinction in their favour which did not exist in this case, and therefore left hon. Members free to vote differently now. In the former case the Government could only bow to the will of the majority.

SIR JOHN LUBBOCK said, it could hardly be urged that the Government gave way on a former occasion, with regard to this matter of the Sunday and the ragged schools, to the general wish of the House, because when the proposal was challenged by hon. Members opposite, Her Majesty's Ministry voted with, and, in fact, constituted a considerable part of the majority on the division. He still thought, therefore, that, having supported the exemption of schools, they could not consistently withdraw that of literary and scientific societies. He was surprised to hear the right hon. Gentleman the President of the Local Government Board speak of these societies as rich and aristocratic bodies; on the contrary, they were all more or less in want of funds and struggling for existence. He admitted that, in respect of some of them, the benefits which they conferred upon the country were not confined to the poor, but he thought it was an advantage rather than an objection that they benefited all classes of the community. The right hon. Gentleman said that Government already contributed to the maintenance of many of these societies. As regarded scientific societies,

that was surely not the case; but even if it were so, surely that was no reason for subjecting them to rates, but rather the reverse. The Midland Institute, already referred to by the hon. Member for Birmingham (Mr. Muntz) was, he feared, a typical case. Our metropolitan societies might survive the imposition of rates, though they would be seriously interfered with in many important researches which they were now conducting; but as regarded provincial associations, it was clear that if this clause was passed all would be seriously crippled and many entirely closed.

MR. GLADSTONE said, he wished to correct a misapprehension of the hon. Member who had just sat down. His hon. Friend had stated that it was not right to say the Government gave way on this subject of the Sunday and ragged schools to the general wish of the House, because they constituted a great part of the majority; but the hon. Member had forgotten that this very question was fought out rather sharply between the Government and the hon. Member for Hackney (Mr. Reed) in former years. The Government thought it was an exception for which much might be said; but they foresaw that it would be made an apology for attempting to introduce other exemptions, and therefore they opposed it as resolutely as they could; and the fact was that they divided with the minority of 70 against a majority of 220 on the occasion. Having thus given way to the wish of the House, it was necessary to adhere to the concession; and that was the reason why the Government voted with the majority the other day. With regard to the ragged schools, there was this to be said for the exemption—that the desire of the local authorities was generally to exempt them. He believed the cases were very few indeed—about nine—in which the local authorities had declined to grant the exemption. But what was the case at the present moment with regard to the literary and scientific institutions? His right hon. Friend (Mr. Stansfeld) had justly said that this was a law which, as it existed, was in favour of the aristocratic or wealthy portion of these institutions which did not stoop to let out any part of their buildings. The humble mechanics' institutions, however, could not afford to keep the whole of their buildings in their own

hands, and in letting off a portion they came within the law which made them liable to rates. But suppose an institution could let a room for £9, and that would involve the payment of the £10 in rates, the room would not be let, and the £9 would be wasted. The noble Lord opposite (Lord John Manners) had suggested that they might make this an optional system for literary and philosophical institutions; but what would be the consequence? The result would be to introduce battle into every rating body in the country. They knew that the parochial and other local authorities frequently regarded with jealousy many of these institutions, and considered they were not entitled to exemption; and that they consequently struggled against the law as it now was, and raised all manner of litigation to show that such institutions were not so entitled. He hoped the Committee would not allow a public principle of great importance to be pulled to pieces in detail. The Government were laying the foundation for a new system of local taxation, and in the performance of that duty they were about to bring the property of the Government under taxation. The property of the Government was the property of the people, and, as such, might have strong claims to exemption; but he was afraid that if, in a case like that now before the Committee, they were to perpetuate an exemption so exceptional, there was great fear that they would fail in the main purposes of the work they were about. If philanthropic sentiments were applied in detail they would come to this—that everything that was considered useful or philanthropic ought to be exempted—a man and wife serving the State were most useful and therefore should be exempted. That was the true end of all these benevolent gushes of hon. Members. In 1858 a Select Committee, composed of Members of great authority, investigated the subject, and they reported in favour of all places occupied for charitable, scholastic, or scientific purposes, whether beneficially occupied or not, being rated. He therefore hoped the Committee would turn a deaf ear to the seductive eloquence of the hon. Member for Birmingham (Mr. Muntz) and maintain a clause which was consistent with the general principles of the Bill.

*Sir John Lubbock*

Mr. CAWLEY said, that it was one thing to lay down the principle that these institutions should be rated, and quite another to say how they were to be rated. There might be a provision that they should be subject to a mere nominal rating. As to there simply being power to exempt ragged and Sunday schools from rating, he could assure the Committee that there was good legal opinion in support of the theory that they could not be rated, but were absolutely exempt. The Preamble of the Act asserted that it was expedient that these schools should be exempt, and the enacting part enabled the overseers to do that which the Preamble recited should be done.

Mr. HIBBERT said, a great number of these institutions were perfectly able to pay rates. Among those which had claimed exemption under the Act were the Preston Law Library, the Birmingham Philosophical Institution, the Royal Academy of Music, the London Royal College of Chemistry, the Manchester Royal Institution, the Manchester Society for the Promotion of Natural History, the London Philological Society, the Statistical Society, the Society of Arts, and the Royal Society at Burlington House. None of these could be called institutions for the poorer classes. It was said it would be impossible to rate such institutions, but they could be rated without any difficulty.

Mr. R. N. FOWLER saw no reason why the same principle should not be applied to those institutions which were of great value and had a tendency to keep men out of the public-house, as had been applied to the question of education by the Government.

Mr. STANSFELD said, the hon. Member for Leeds (Mr. Baines) was under the impression that all mechanics' institutions were exempted, but that was not the case. The Act said that no place should be rated which was exclusively devoted to the purposes of science, literature, and the Fine Arts; but, according to judicial interpretations of the words employed, if any part of the premises was used as a library, or room for the reading of newspapers and periodicals, &c., the exemption did not apply. He believed there were very few good mechanics' institutions without a library and news-room.

Mr. J. LOWTHER remarked that many of the institutions which it was sought to exempt were not local institutions, but belonged to wealthy bodies, and had ramifications all over the country. He wished to ask whether it would be fair, when they were rating national property, that such institutions should be exempt from rating? If they were exempted, then societies which were really national would be supported out of local rates. It would be better that there should be an advance out of the rates for such institutions than that they should continue the mischievous system of exemptions. If it were right that the local rates should contribute towards the support of Sunday and ragged schools, and literary and scientific institutions, the contribution should take the direct form of a rate-in-aid, and not the circuitous form of an exemption.

Mr. FAWCETT remarked that the conduct of the Prime Minister and of the Government in allowing themselves to be seduced by the hon. Member for Hackney (Mr. Reed) into exempting Sunday and ragged schools had placed those who honestly and consistently supported the abolition of all exemptions in a position of considerable difficulty. He had never been more surprised than when on Tuesday last the Government surrendered at discretion on the question of the exemption of Sunday and ragged schools without uttering a word of protest. He had just been reading the most remarkable speech that the right hon. Gentleman the Prime Minister had ever made, in which he proposed to tax charities, and it presented a strange contrast to the present proposal to exempt Sunday and ragged schools and literary and scientific institutions from rates. The Prime Minister had assigned as a reason for his having surrendered at discretion on the present occasion the fact that he had been beaten by a great majority on the subject three or four years ago. Since that time, however, a very considerable change had occurred. At that time Government property was exempted from the payment of rates, and the necessity for Sunday and ragged schools had not been removed by the establishment of Public Elementary Schools. For his part he could not understand why Sunday and ragged schools should be exempted while voluntary elementary schools were to be rated.

Now that the principle that every child was to have education brought home to it had been adopted, they would be acting not with wisdom but with cruelty in encouraging parents to send their children to ragged schools, by which a stigma would naturally be fixed on them. He regarded the principle of permissive exemptions as most dangerous, and therefore he should vote for retaining the clause.

MR. J. G. TALBOT said, he thought the clause was a most irrational one, inasmuch as while it proposed to abolish the old exemption which had been enjoyed by literary and scientific institutions since the sixth year of the present reign, it proposed to retain the modern exemption enjoyed by Sunday and ragged schools. He had voted for the exemption of Sunday schools, in the hope that similar institutions would also be exempt. It would be unfair and illogical to exempt Sunday schools and not to exempt public elementary schools.

MR. MUNTZ, in reply, said, that the only argument used upon the Treasury bench was the argument *ad misericordiam*, and that was not worthy of much attention.

Question put.

The Committee divided:—Ayes 261; Noes 103: Majority 158.

Clause, as amended, ordered to stand part of the Bill.

Clause 5 (Abolition of exemption under 4 & 5 *Vict. c. 48*) agreed to.

Clause 6 (Abolition of exemption of property used for Local Government purposes) agreed to.

Clause 7 (Payment of poor rate for Government property, and scheme for defining and valuing the same).

MR. SCLATER-BOOTH said, he wished to make a short statement explanatory of some clauses which he had put on the Paper, and which he believed embodied a preferable scheme to that comprised in the Bill. On the second reading of the Bill he stated that he believed the House was acting hastily in coming to the conclusion that it was for the interest of the community at large that the exemption of Government property should be repealed in so wide and sweeping a manner as was proposed, and that the Government was

a little hasty in supposing that the House and the country had brought to bear any serious pressure in favour of so important a change. Some 12 or 15 years ago there were some endeavours on the part of the representatives of boroughs or localities in which Government property was situated to secure the repeal of the exemption of that property; but of late years the House had not heard much on the subject, the fact having been that the action taken by the Government in distributing year by year a sum of money amongst those localities had given a great amount of satisfaction. He thought that in any plan for the settlement of this question they should proceed upon that principle, instead of adopting the objectionable plan now proposed by the Government. He did not see how Government property could be assessed in the ordinary sense of the term, and thought it would be far better to lay down a plan by which Government might make contributions towards the rates. With regard to the question of rating important buildings such as the Houses of Parliament and the Horse Guards, they never were intended to be rated; but he thought that a sum might be set out by the Treasury and the Local Government Board. Any large contribution towards the rates would be adding so much to the value of private property, and he trusted the Committee would pause before assenting to the proposition of the Government.

MR. WYKEHAM MARTIN denied that the existing system gave satisfaction.

MR. CAWLEY moved, in line 37, to leave out — "Where at" and insert — "From," in order to give him an opportunity of stating his objections to the whole of this portion of the Government scheme. In respect of this part of the Bill the Government had placed upon the Paper an entirely new proposition; but neither in this nor in their former proposal did the Government state how the different classes of Government property ought to be rated. The first proposition was to leave it to Government to prepare a scheme which they were to lay on the Table in the next Session and ask Parliament to affirm, giving an opportunity to the parishes interested to oppose the scheme as a Private Bill, and to incur all the expense and trouble which that step involved. The scheme now on the

Mr. Fawcett

Paper was little better, and had been suggested by the proposition of the hon. Member for Portsmouth (Mr. Stone). It was proposed that the different classes of Government property should be rated upon principles agreed on between the Treasury and the assessment committee of the particular parish, and that failing that agreement the matter should be settled by arbitration. But he ventured to say that the arbitration provided by the Bill was simply a delusion, or in plain English, a sham. Arbitration properly so called must be decided by independent parties acting upon principles which were laid down to guide the arbitrators, whose decision should be final. But in each of these essentials the Government proposal failed. In the first place, there were no principles laid down to guide the arbitrators; and in the next place, there was no independence, for the Government retained all the power in their own hands. As to the appointment of an umpire the Government proposition was that, not only when the arbitrators disagree, but at the request of either party the umpire should be nominated absolutely by the Lord Chancellor. That simply amounted to this—the Government said they would go to arbitration, but that the umpire must be their nominee. And further, they might object to the umpire's decision. What value could there be in such a proposition? The Amendment which he had to propose was that the Bill should do nothing more than enunciate the principle that Government property should be rated, and that the Treasury should bring in a Bill which should lay down the method upon which the various classes of Government property should be rated. That, he believed, was the only thing that could be done satisfactorily at present. The simple course for the present was to confine legislation to enacting that Government property should be liable to rates, leaving the Government to bring forward in another Session a measure laying down the principles upon which the valuation should be made.

MR. STONE said, there were no fewer than five proposals on this subject before the Committee—the original proposition of the Government, the series of Amendments which he ventured to place on the Paper, the somewhat similar series of the right hon. Gentleman (Mr. Stansfeld),

the proposal of the hon. Member for Salford (Mr. Cawley), and that of the hon. Member for North Hants (Mr. Solater-Booth). Of these the proposition of the hon. Member for Salford would be the least acceptable to those whom he had consulted. It would be equivalent to an indefinite postponement of the question; or, at all events, till the fresh Act of Parliament to which he referred had been brought in. The proposal besides was of a most unusual kind. It was that the Treasury should cause to be prepared—by some means he did not specify—a measure laying down the principle on which Government property should be rated without the smallest indication of what that principle should be. It was almost impossible to devise a general principle applicable to the great variety of hereditaments now proposed to be brought within rateability. The system which prevailed was entirely destitute of principle. The Government now made a proposal practically identical with one he had himself suggested—namely, that the assessment committee and the Government should each appoint an assessor, and some independent person—say the Lord Chancellor—should appoint an umpire. The decision of the umpire was to be final; except in so far as that Parliament was to have an ultimate voice in the matter; because the right hon. Gentleman proposed to bring in each year, or from time to time, a Bill containing the values arrived at by the umpire, which the House, it was to be presumed, would at once sanction. He must say that in this matter he thought the right hon. Gentleman had acted with great candour and liberality.

MR. W. H. SMITH expressed a hope that the hon. Member for Salford (Mr. Cawley) would not press the Amendments of which he had given Notice, as the propositions of the Government seemed to be generally satisfactory. He wished, however, to know what the Government proposed to do in one respect. At present there was an arrangement with respect to the Parks under which the Government contributed a sum of money to the paving rate, though the Parks were not liable for poor rates. He apprehended that there would be no desire in rating Government property to the poor to withdraw from that other arrangement as to the paving rate; but he should like to hear from the Go-



vernment what view they took of the matter.

Mr. STANSFELD said, the Government certainly had no intention of reducing any contribution which they already made to the rates of the metropolis, and the Bill would not interfere with any existing statutory bargains as to contributions towards rates, whether in respect of Government property or of various other public institutions. The proposal of the hon. Member for Salford (Mr. Cawley) would amount to the postponement of the whole subject of the liability of Government property to rates for another year without any certainty that it would be dealt with next year, and he supposed it would not be pressed. The remarks and suggestions of the hon. Member for North Hants (Mr. Solater-Booth) deserved the respectful consideration of the Committee. Having himself followed that hon. Gentleman at the Treasury a few years ago he had found there many records and traces of his able, vigorous, and critical supervision of expenditure. He would, however, submit to that hon. Member that Parliament and the country, and certainly the localities interested, would not be content with the simple continuance of the existing state of things, but would expect legislation to be adopted creating a positive legal right on the part of the local communities to rate Government property, whatever method of assessing it might be determined upon. His own original suggestion was that the Government should institute an exhaustive local inquiry into the particulars and conditions of each case, and propound a scheme and place on the Table a Bill on its own responsibility, with schedules containing a list of Government property in the various rating areas, with the assessable value at which it was proposed to rate them. He had also proposed that any assessment committee objecting to a valuation should have a right to appeal to a Select Committee of that House. It was urged that that would put the assessment committee to an expense which they would not be likely to undertake; but he believed, from his official experience, that in almost all cases there would be no practical difficulty in coming to a reasonable and amicable conclusion between the Treasury on the one hand and the local bodies on the other. He had no objec-

tion to the principle of the hon. Member for Portsmouth (Mr. Stone's) proposal of arbitration except one which the hon. Gentleman had himself fairly stated; and if they started the scheme which his Amendments would bring into operation, he thought in the great majority of instances the Treasury and the assessment committee would agree without any reference to arbitration. He proposed that the valuation of the umpire should not be a final valuation, but that it should be inserted in the Bill which the Government was bound to lay upon the Table of the House, and that it should be open either to the Government or to the assessment committee to object to the valuation. In that way he thought a satisfactory conclusion would be arrived at.

Mr. SCOURFIELD said, he had not much confidence in the appeal to Parliament in reference to the decision of arbitrators, because Parliament would not be inclined to take trouble in the matter; but on the whole, he considered the plan proposed by the right hon. Gentleman (Mr. Stansfeld) a fair one, and should support it.

Mr. MONTAGU CHAMBERS said, he was glad that after many years agitation and remonstrance Government property was to be rated to the relief of the poor. The plan hitherto pursued of making charitable contributions was objectionable, and he was also of opinion that the principle of rating in respect of such property should be that adopted for private buildings and institutions. In that way all complication would be got rid of. With regard to the appointment of an umpire by the Lord Chancellor, he thought that so far as his personal knowledge of a fit person was concerned, they might just as well go into the street and appoint a crossing-sweeper. He must act upon the suggestion of others, and although intentional partiality could not be assumed, it was not reasonable that as a leading Member of the Government he should have this nomination. The first principle of arbitration was that it should be conclusive and final; but here the proposition was that after the matter was submitted to arbitration, after it was agreed that an umpire should be appointed, and after a decision was given, if that decision happened to be against the Government everything went for nothing,

and the matter was to be brought before the House of Commons. Nothing could be imagined more complicated and unsatisfactory than such a proposition, while, with regard to the expense, it would be next to terrific. He represented what was called a dockyard constituency, but he spoke for the inhabitants and ratepayers of the parishes. They were not satisfied with the compromise now proposed. They wanted to know why the Government establishments should be placed on a different footing from those of ordinary manufacturers. It professed to be a Bill to abolish exemptions, while the Government exemption was not abolished at all.

MR. CAWLEY said, he was unwilling to throw any obstacle in the way of the new proposal of the Government, and he would therefore withdraw his Amendment. The Government, however, by placing the appointment of the arbitrator in the hands of the Lord Chancellor, were retaining in their hands the power of appointing both arbitrator and umpire. Such a provision appeared to give a character of unfairness to the whole transaction. He should have preferred to give the appointment of umpire to the Lord Chief Justice and the Courts.

MR. SCOURFIELD also thought it would be better to give the appointment of umpire to the Lord Chief Justice.

*Amendment, by leave, withdrawn.*

MR. STANSFELD moved, in line 17, to leave out from "of the," to "A scheme," in line 29, and insert—

"Same, and where the gross or rateable value has been fixed by an umpire, shall state whether the Treasury assent to or dissent from such value.

"The Treasury shall cause a Bill to be introduced into the House of Commons for confirming every such scheme, and such Bill shall be deemed to be a Public Bill."

*Amendment agreed to.*

MR. MACFIE said, he wished to call attention to a little matter affecting Scotland. Under the Lindsay General Police Act, all persons holding property in burghs were bound to maintain footpaths along their premises, and if footpaths do not exist, to make them. In one or two burghs, and especially in Leith, the question had arisen as to the liability of Government property. At

Leith there was a fort belonging to the Government. There was no footpath, although one was needed, and the result was that pedestrians were subjected to great danger. Besides, large pools were formed which caused much unhealthiness. The Corporation had pointed this out to the Government, and had asked them to repair the road in accordance with the Act of Parliament, but the answer was that they were not liable in the same way as other owners. He never thought that interpretation of the law correct, and it certainly was opposed to the spirit of the legislation in which they were now engaged. He would like to ask his right hon. Friend (Sir Henry Storks) whether it was necessary for him to move the Amendment of which he had given Notice?—for his impression was that he would at once say that the refusal had resulted from a misunderstanding, and give an assurance that the necessary work would be done forthwith.

SIR HENRY STORKS said, the attention of the War Office had been called to this complaint in regard to Leith Fort. They had inquired fully into the circumstances, and the opinion was that the Government were not liable as to this footpath, and that the repairs should be carried out by the municipal authorities.

*Clause ordered to stand part of the Bill.*

Clause 8 (Effect of Scheme), *agreed to.*

Clause 9 (Alteration of Scheme).

MR. STANSFELD moved, in line 7, after "and," to insert—

"If any differences arise between the Treasury and any Assessment Committee as to the preparation of a new scheme for altering the gross and rateable value of any Government hereditament, or with respect to the gross and rateable value of any Government hereditament specified in any new scheme prepared or proposed to be prepared by the Treasury, such difference shall be referred to arbitration, and all the provisions of this Act with respect to the original scheme and to arbitrations shall apply to such new scheme, and the Treasury shall, if necessary, frame and lay before the House of Commons a scheme in accordance with any award made upon arbitration."

*Amendment agreed to.*

Clause, as amended, *agreed to.*

Clause 10 (Payment of poor rate for property newly occupied by Government), *agreed to.*

Clause 11 (Communications with assessment committees, and effect of their petitions as to schemes) *omitted*.

*Supplemental.*

Clause 12 (Deductions of rate by tenant of mine) *agreed to*.

Clause 13 (Exemption of stock in trade).

MR. MUNTZ moved, at end, to add—

“And the words ‘stock in trade’ shall be deemed to include all machines and machinery other than such as are built in the freehold, and that no machinery shall be liable to be rated beyond what is technically called the first motion.”

The hon. Member said, that at present assessment committees adopted different systems of valuation. It was difficult to say what was attached to the freehold. In some parishes that which was nailed was considered to be attached to the freehold, and that which was screwed was not, while in other parishes just the reverse system prevailed. Then, again, some machinery and lathes were very valuable, and some were not. He maintained that everything which was attached to the freehold and engines built into manufactories should be assessed as from what was called the first motion, which was perfectly well understood in all places of business. If there were not some such definition as that which he proposed assessment committees would still be perplexed, and questions would be raised for the Court of Queen's Bench to determine. He proposed this Amendment to prevent litigation and unfair assessments, and he hoped the Committee would agree to it. He was sorry that there was not a larger number of Members present to consider this important subject.

MR. HENDERSON said, that the present indefinite state of the law with regard to the rating of machinery had given rise to great perplexity and misunderstanding, and thought that it was absolutely necessary that something should be done in this Bill to define the duties of assessment committees and to enable small owners of machinery to understand more clearly the footing on which they stood. If moveable machines, though attached to the freehold, were to be rated, they would have to rate thrashing machines, steam-ploughs, and even sewing machines.

MR. WHITWELL said, he thought the line of demarcation should be this—what belonged to the landlord and was fixed to the soil should be rated; what was moveable and belonged to the tenant ought not to be rated.

MR. CAWLEY said, he did not think this line of demarcation would be a satisfactory one, nor did he agree with the definition suggested by the hon. Member for Birmingham (Mr. Muntz). He thought that machinery ought to be excluded as machinery, and that the line must be drawn so as not to extend beyond the moving power and the main shafting. He would insert in the Amendment the words—“All machines and machinery other than that by which the motive power is generated or transmitted.”

THE SOLICITOR GENERAL said, the difficulty was not in the law, but in the nature of things. The question was one frequently litigated, and one likely to be litigated in the future. The question always was whether the attachment of the object to the freehold was sufficient for a lawyer to say that it was affixed to the freehold. The answer to the question must depend on the nature of the object, the nature of the attachment, and the nature of the freehold; and it was impossible to say beforehand what for this purpose was fixed and what was not fixed. The question could not be answered in the abstract, and was essentially one for experts and one of minute detail. It was a mistake to attempt any definition. At all events, the definition now suggested would fail to work satisfactorily. The object of the clause in exempting stock in trade was to exempt that which it was difficult to rate; but there was no difficulty whatever in rating fixtures.

MR. CAWLEY said, the question of what constituted fixtures, which had been raised by the hon. and learned Gentleman, had nothing to do with the matter immediately under consideration. For his own part, he challenged the hon. and learned Gentleman to do what he had thrown out, and tax all machinery, whether attached to the freehold or moveable. The Government, however, he knew, did not dare to do that. The Amendment which he had placed on the Paper, and which, though having the same object, was, he conceived, better calculated to secure the object of the

hon. Member for Birmingham (Mr. Muntz) aimed at ascertaining what machinery or moving power was attached to the freehold, and to tax that only. He was aware that no form of words could absolutely prevent litigation.

Mr. E. POTTER said, if an attempt were made to rate machinery in mills it would be loosened from the freehold in a week.

Mr. MUNTZ withdrew his Amendment in favour of that suggested by the hon. Member for Salford (Mr. Cawley).

Mr. CAWLEY moved to add these words—

“and all machines and machinery, whether attached to the freehold or not other than that by means of which motive power is generated or transmitted, shall be deemed to be stock in trade and included in the provisions of the said Act.”

Mr. HIBBERT though sympathizing with the object of the Amendment, thought it would produce very grave alterations in the law. Many kinds of property which were now rateable would not be rateable if the Amendment were carried. Moreover, the Amendment would give rise to many difficult questions. For instance, a vat did not generate or transmit motive power, and therefore it would scarcely come under the Amendment.

Mr. CAWLEY said, a vat was not machinery.

Mr. HIBBERT thought, however, a question might be raised on this point. The Amendment would upset the decisions arrived at by the Courts of Law during the last 100 years, and, besides, its terms were so indefinite, that it would produce a numerous batch of cases involving the question as to what was motive power.

Sir THOMAS BAZLEY said, that by the ancient law of this country, the tools by which a man earned his living were exempted from taxation. The Amendment ran counter to that principle by taxing machinery, and would be as impracticable as it was unjust.

Mr. CORRANCE said, he should vote with Her Majesty's Government. He had only risen to express his astonishment at the extraordinary audacity of the proposal.

Mr. MUNTZ contended that furnaces could not properly be called machinery, and that machinery was stock in trade.

THE SOLICITOR GENERAL said, the object of the Bill was not to increase exemptions, but to withdraw exemption from property which at present escaped taxation. The Government stated at an early period that they had no intention to alter the law of rating, for if once they attempted it they could not finish the Bill this Session. The present section would not alter the law; but the Amendment of the hon. Member for Salford (Mr. Cawley) would do so very seriously by exempting a large portion of property which was now liable. [Mr. CAWLEY: No!] Well, then, if it was not now liable what was the use of the Amendment?

Mr. MARLING said, he thought it was reasonable that they should take this opportunity of defining the law somewhat more clearly than it was at present. He would suggest to the Mover of the Amendment the introduction of these words—“All machines and machinery other than that by which motive power is generated and transmitted and attached to the freehold.”

Mr. BIRLEY supported the Amendment. The practice of rating in manufacturing districts hitherto had been to rate the steam power and first motive power, and not to rate the running machinery in the mills.

Mr. PEASE observed that this Bill, the longer it was discussed appeared more and more like a compact between the right hon. Gentleman (Mr. Stansfeld) and the Solicitor General for the benefit of the lawyers. The owners of machinery were pressed between assessment committees on the one hand, and the right hon. Gentleman on the other, and there would be no resource but the Courts of Law.

Mr. STANSFELD denied that any purpose existed to create legal difficulties. All the Bill proposed to do was to abolish certain exemptions from rating, and to extend the Act of Elizabeth to certain hereditaments which had hitherto escaped rating. But those who were interested in machinery wanted practically to create a new exemption in its favour. The Amendment if adopted by the Committee, would not, he felt sure, be agreed to by the House on the Report of Amendments. He hoped the hon. Gentleman would withdraw it, and reserve the question for consideration until some more fitting time.

MR. SAMUDA said, the Government were bound to state whether it was intended to rate all machinery or not.

MR. STANSFELD said, he did not intend to touch the present law.

MR. SAMUDA said, that the Courts of Law had given conflicting decisions upon the law, and if it were not intended by this Bill to tax machinery, there should be no objection by the Government to the Amendment. It seemed that the Government intended to put the manufacturers of this country at a disadvantage compared with those of other countries.

MR. HERMON observed that all that our manufacturers desired was that their liability in respect of their machinery should be distinctly defined. As the time had arrived which the Prime Minister had fixed for bringing on another subject, he begged to move that progress be reported.

MR. CAWLEY said, that the proposition of the Government was that because they had only thought proper to introduce a certain extension of taxation the Committee had no right to enter into the question whether certain things should be rateable or not. The hon. Member drew attention to the fact that whereas under the Irish Act only that portion of the machinery was rateable which was used for the production of the motive power, the Bill to amend that Act proposed to render all machinery in a mill rateable, whether used in the production of motive power or not.

MR. CORRANCE said, that if the Amendment were adopted there would be no limit to which it might not be applied. He opposed the Amendment.

MR. STANSFELD said, he thought that the best course would be to report Progress at once.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

POST OFFICE—MAIL CONTRACTS—  
CAPE OF GOOD HOPE AND ZANZIBAR.  
RESOLUTION.

THE CHANCELLOR OF THE EXCHEQUER, who had given Notice that he would move "that the Contract for the conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam Ship Company be ap-

proved," said, that he observed that the right hon. Member for Kilmarnock (Mr. Bourverie) had proposed that this matter should be referred to a Select Committee, and to the adoption of that course, as far as he was concerned, he had no objection. He was satisfied that the more this matter was investigated, the more carefully it was looked into and sifted, the more the prejudices which appeared to have collected round it would disappear. But, although he had no objection to the subject being referred to a Select Committee, he did not conceive that the adoption of that course would relieve him from the duty of saying something in support of the proposal he was now making to the House. He would endeavour to compress what he had to say into the narrowest compass; but, as it was in his power to remove some prejudice and misconception, he conceived that he was only doing justice to the cause he undertook to advocate in attempting to do that, even although they might not go to a division that night on the subject, but send it to a Select Committee. Those who might form that Committee, if it were appointed, would not, he thought, object to receive from him, who must and ought to know something about the matter, some little information which might be of use in guiding their deliberations and investigations. He would not go again over the ground he travelled the other night, but briefly state that the Government determined, for reasons which he stated the other evening, that it was desirable to establish steam communication between Aden and the Cape of Good Hope. Having so determined, they, after a certain time, received tenders for that service. They also received another offer of a new proposal for decreasing the period of time for the service which he would call the Western line, between the Cape of Good Hope and England; and in negotiating these matters with the Union Steamship Company they treated the two services as substantially one question, and mixed them up together, believing that they would get the best terms for this country, and also at the same time obtain very good terms for the Cape of Good Hope. The result was that a contract was entered into with the Union Steamship Company, the details of which he stated the other night, and would not repeat, but which

he believed would be very beneficial to the Cape and exceedingly economical to this country as regarded the Zanzibar service. Having done that, the Government met with a very considerable disappointment. They found that that which they thought would be so beneficial to the Cape of Good Hope did not meet with the approval of the Cape colonists; and they decided very properly—as an old colonist himself he was the last man to say anything against it—that the true meaning of self-government for the colonies was not to govern the colonies for the colonists, but by the colonists, and that if they objected to the measure as being against them, although not approving their arguments, yet the wisest and most constitutional course was to yield to their wishes; and finding that the contract—which was not now in question—did not meet the views of those for whose benefit it was designed, the Government withdrew it. Still, the main object with the Government was that contract for the service between Zanzibar and the Cape, and the withdrawal of the other contract only threw that question into difficulty. The question arose how they were to deal with the Company which entered into the contract between Zanzibar and the Cape. It was easy, no doubt, to criticize any course the Government might adopt under such circumstances; but some course had to be adopted, and what was it to be? He did not believe the House would think they would have done rightly if they had used the legal power they had, owing to the fact of the two contracts, the Eastern one and the Western one, although both negotiated together, being drawn up separately, and had insisted on the Company performing the one when they had taken away the other. Because it was obvious that the terms they obtained were grounded on two considerations—namely, the one the annual payment of £15,000 to the Union Steamship Company, and the other the extension of their contract to the Western service; and if they took away from it one of those things it would have been inequitable and unjust to hold the Company to the other. Were they, then, to discard the contract altogether, to call for fresh competition and start anew? That, also, would seem to have been exceedingly harsh and unfair. The Union

Company had been put to great expense through our failure to carry out the extension of the contract between England and the Cape. They had invested about £350,000 in providing new ships for carrying out the contract. They had been doing the Zanzibar service without any equivalent, but only paving the way or advertizing the future success of the line. And now, when some slight germs of improvement and commerce there were just beginning to show themselves, it would have been most deplorable, in the interest of the suppression of the slave trade, and also a most harsh and cruel thing, if that contract was to be taken away from them altogether. ["Oh, oh!"] Moreover, it would have been very bad policy, because when companies were entering into contracts with the Government, and the Government were notable to answer with certainty as to the decision of that House upon them, that decision, if it were adverse, would leave the companies saddled with a heavy loss; and the result would be that in the end the country would have to pay an increased rate for those contracts. So that a liberal policy was their wisest and truest policy. Once let the companies get the notion that Governments were unsafe parties to deal with, and there would be no limit to extortion. ["Oh!"] The Government would never be certain that Parliament would ratify what it did; and if the burden was thrown on the Company which contracted, the necessary consequence would be that large demands would be made in the shape of insurance to cover that risk. The only other course which seemed to be open to the Government was to go on with the contract, but to make some compensation to the Company for the failure and loss of the Western contract. So far, he could not help hoping that when hon. Gentlemen looked fairly at the matter in Committee there would not be any great difference of opinion. But then there came the question—a most difficult one, on which there arose much difference of opinion—namely, what guide were they to take under those circumstances? If they could not be guided by the old contract, part of the consideration having failed, and if the consideration which remained was obviously inadequate, of what principle were they to take hold as their clue in

that matter? On the best consideration they could give, the Government thought the proper principle was to take an offer that had been made by the Company independently of any collateral consideration or any other contract, and make it the basis for obtaining the most moderate terms they could secure. But the hon. Member for Hackney (Mr. Holms) said, that was not the right course to pursue; that they had a tender from the British India Steam Company, not for £29,000 as was the tender of the Union Steamship Company, but for £16,300, which was made to them; and that fixed the value of the service. The British India Steam Company were willing to do it for that sum, and that sum, the hon. Member (Mr. Holms) said, was the utmost they would pay, and it would be inexcusable to pay more. Now, the answer to that argument appeared to him (the Chancellor of the Exchequer) to be absolutely conclusive. He had laid Papers on the Table which hon. Members had had an opportunity of reading. It appeared that in the Autumn of 1871 the Government were considering the propriety of entering into such a contract. They had not made up their minds whether to do it or not, but wanted information to guide them. They requested the Post Office to obtain that information. The Post Office "sounded," if he might so call it, two Steamship Companies, the Union and the British India, and the result was that the Union Company offered to do it for £29,000, and the sum which the other Company was reported to be willing to take was as low as £15,000. Then, asked the hon. Member, not unnaturally, Why fix the country with the larger and not with the smaller payment? That was just the matter which required explanation. Hon. Members and he were quite at one on that subject. He was unable to give that explanation the other night, and why? Because he was not in possession of it. If he had been he would have given it. He did not think it proper to offer the House a guess or a conjecture. He had waited for absolute certainty, and having got it, it was his duty to state it to the House. The fact was this—The Government requested the Post Office to give them some idea at what rate that service could be done, and they applied to the Union Steamship Company,

which stated £29,000. Then the Post Office applied to Mr. Monteith, the Director General of the Post Office of the India Government, for his opinion, and he wrote to Mr. Tilley, the Secretary of the Post Office, a letter—now before the House—in which he said that the British India Company would perform the service for 5s. per mile; not absolutely, however, as those who had read the Papers knew, but coupled with the condition that it should last for 10 years, and should be part of the general service of India. At the time that Company in India was desirous for the renewal of the service they had been carrying on for many years between Calcutta and Bombay, and they took exactly the same view of the subject as was subsequently taken by the Union Steamship Company. That was to say, they did not want apparently to have anything to do with it by itself, but wished to make it the means of getting something else which would enable them to do it for a small sum. The hon. Member for Hackney said that this was an absolute and independent contract. It was no such thing. It was coupled with the condition that they should obtain a renewal of their former contract with the Indian Government. That that was so, was fully evident from the letter of Mr. Tilley, in which he said—

"If you will be good enough to refer to Mr. Monteith's private letter, you will find that the rate is 5s. per mile for ten years' service, as a part of the General Indian Service, and that is the light in which I have always read it."

Well, what happened? The Government were not in a position to accept or reject those offers or suggestions. They had not matured their plans, but they next found the two Companies tendering together, the one for the conveyance of mails from Aden to Zanzibar, the other from Zanzibar to Table Bay. What had happened in the meanwhile they had no means of knowing; but what he had stated was only another proof that the tender for £16,000 was not really an independent tender for the service, from the great facility with which the British India Company gave it up to the other Company, he supposed as not being a thing of very great value. That was the tender that the Government received in June, and it was ultimately accepted, together with a reduction of the tender for the Cape mail.

*The Chancellor of the Exchequer*

Hon. Gentlemen seemed to be incredulous when he stated that to be the true construction of the matter, but he would furnish them with evidence that it was. He had that morning received a letter from the British India Steam Navigation Company, whose tender of £16,000 had been condemned by the hon. Member for Hackney. The letter was as follows:—

"13, Austinfriars, London,

"June 18, 1873.

"To the Right Hon. the Chancellor of the Exchequer.

"Sir,—The attention of the Directors of the British India Steam Navigation Company (Limited) having been called to the question which has arisen in Parliament regarding the offer made by them in 1871 to perform a mail service between Zanzibar and the Cape of Good Hope, I am instructed to forward to you the enclosed memorandum, which explains the position of the Company in making the offer referred to.

"I have the honour to remain, Sir, your very obedient servant,

"P. MACNAUGHTAN, Secretary."

The following was the memorandum in question:—

"Memorandum from the British India Steam Navigation Company (Limited).

"1. Mr. Tilley's note of the 11th of June, 1873, referring to the offer of the British India Steam Navigation Company (Limited) to undertake a service from Zanzibar to the Cape, correctly described the position of the Company in the matter.

"2. The offer was to do the service in connection with and as an extension of the Company's Indian services. It was not a spontaneous offer, but rather one made at the request of the Director General of the Indian Post Office. As an independent service the British India Steam Company would not have tendered at all, or at all events not at the rate named, because they were well aware of the difficulties attending such a service on the East Coast of Africa.

"3. If the Company were asked now to undertake this service, they would not be prepared to do so on the terms then named."

[*Orie*s of "Date.""] The date was the 18th of June. [*A laugh.*] Hon. Gentlemen seemed still to be incredulous. Was it that they did not think the Company understood what they themselves really meant, or that they had not stated all the facts in reference to the matter? However that might be, nothing could be more proper than that the entire subject should be inquired into. He did not, however, think it right to let it go to a Committee without stating the grounds on which Her Majesty's Government had acted, and which they conceived to be conclusive against the

proposal of the hon. Member for Hackney—namely, that the tender in question was a conditional offer made in reference to independent and collateral advantages which were to be secured. The proposal naturally fell to the ground when those collateral advantages ceased, and that part of the question was virtually disposed of. The entire subject, however, was eminently a proper one for inquiry by a Committee, more particularly as it was the House, and not the Government, that should come to a final decision with respect to it. The real question was whether the Government had taken the right course in considering that the Company was entitled to something more in consideration of the circumstances he had stated; and, if so, whether they had fixed that something more at the right amount. He had no objection, therefore, to offer to the proposed reference to a Committee, the lightest part of whose labours would be the investigation of that which the other night made a considerable and unfavourable impression on the House—namely, the circumstances under which the tender of £15,000 came to be made. The right hon. Gentleman concluded by moving the Resolution of which he had given Notice.

**Motion made and Question proposed,**

"That the Contract for the conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam Ship Company be approved."—(*Mr. Chancellor of the Exchequer.*)

Mr. HOLMS moved, as an Amendment, that the Motion of the right hon. Gentleman be negatived. He had thought that the speech of the right hon. Gentleman was intended to remove prejudices; but when it was stated by him that the Union Steamship Company sent in a tender for the Eastern as well as the Western Coast of Africa, and that both were to be treated as one, he (Mr. Holms) felt obliged to say that that statement was entirely inaccurate, inasmuch as the Union Steamship Company sent in on the 25th June, 1872, a joint tender with the British Indian Company for the conveyance of the mails from Aden to the Cape.

THE CHANCELLOR OF THE EXCHEQUER: No, No.

Mr. HOLMS: If the right hon. Gentleman referred to the Papers he would find that that was so.



THE CHANCELLOR OF THE EXCHEQUER: Not jointly for the whole service, but one for the one part and the other for the other part.

MR. HOLMS said, the tender was absolute and was subject to no condition whatever. That joint tender was accepted by the Government, and arrangements were made to divide the gross amount between the two Companies. The arrangement did not in any way affect the condition of any other tender. Again, in August, 1872, as would be seen by the Papers, the Union Steamship Company asked the Government to reduce the contract for conveying the mails from Zanzibar to the Cape to eight years in consideration of their obtaining an extension of the Western contract. It followed that the right hon. Gentleman could not have himself investigated the question when he said that this was a tender from the Union Steamship Company for both the East and West of Africa. It was clear that the Government had completed their arrangement for accepting the joint tender of the 25th of June, and were beginning to parley about the Western contract. Only on the 3rd of this month the Union Steamship Company had sent to hon. Members of this House a statement, in which they declared that in October last they entered into a contract with the Government for a mail service three times a month between England and the Cape, and another contract for a monthly service between the Cape and Zanzibar. The statement that the two were made dependent one on the other simply vanished into nothing. The Cape colonists surely knew what was advantageous for themselves; but they had declared for months that this was not advantageous to them, although the Chancellor of the Exchequer maintained that it was. In 1863, when the contract for conveying the mails between this country and the Cape was entered into, the Cape colonists were asked for a subsidy, which they were willing to give if the Government would agree that the mails should be conveyed in 36 days instead of 38; but the Government did not agree, and the contract was completed without the subsidy, the postage being raised from 6d. to 1s. From that time to this the colonists had looked forward to getting a cheaper rate of postage, and yet the Government sought to saddle them with

a contract which would not expire until the year 1881, and under which the high rate of postage would be kept up. The right hon. Gentleman asked if it would be fair to hold the Union Steamship Company to the tender of £15,000, if they took away their other contracts. He (Mr. Holms) would hold them to nothing unfair, but the quicker they put the contract up to public competition the better. The right hon. Gentleman asked them to have compassion upon the Union Steamship Company, because they had expended £350,000 on account of these contracts. The truth was that the Union Steamship Company had been forced by the competition with which they were assailed to give better boats and better accommodation, and had they not been able to make the voyage in 80 days they would have been extinguished by other and better boats. At a meeting of the shareholders held on the 17th of October, 1872, the chairman made a speech, the object of which was to show how necessary it had been for the Company to spend money in vessels. He said they commenced with steamers of 600 or 700 tons burden; that they then employed boats of 1,300 or 1,400 tons, and found them as inadequate to meet the growing trade as the former vessels had been, and they had got boats of 2,000 tons, and seven years hence he did not hesitate to say they would require bigger ships if they were to continue to hold their own. This was before the contracts, and did it not throw a flood of light on the position of the Company? The whole of this affair had been a godsend to them, whether they got the contract or they did not. They went into the market when vessels were comparatively cheap; they bought more than they required; and if they were to sell the vessels now they would realize a very considerable profit. The chairman, indeed, stated that the vessels which had cost £500,000 could not be replaced for £100,000 more. That proved that they had got a good sound investment in the vessels which they possessed. If this question was to come down to a point of compensation let them treat the Company handsomely. They had paid over £3,000,000 in compensation to the United States; and if £11,000 was too little for this Company, let them give them more, provided there was just and proper cause for giving them anything at all. But a Company which had had contracts with

the Government since 1857 surely knew perfectly well that no contract was binding until it had been passed by the House of Commons. He now came to the most extraordinary portion of the right hon. Gentleman's speech. He had told the House that the offer of the British India Company was bound up with another, and it was not an offer on which he could found anything; but it would have been much sounder if he had made that reply in June, 1872, instead of June, 1873. What was the position of the British India Company in relation to the Government now? They had contracts on hand, and they did not wish to quarrel with the Government of the day; and they would do what they could to bridge over the difficulty with the Chancellor of the Exchequer. An offer of this kind, not loosely made, in relation to every port between England and Zanzibar, must have received careful consideration at the Post Office, at the Treasury, and at the Colonial Office, where it formed the foundation for that despatch asking the Cape Colonies to give £4,500 in relation to the offer. Could it be said that the calculations of the Post Office and Colonial Office were based upon nothing? The proposition of the Chancellor of the Exchequer, therefore, that the figures in Lord Kimberley's despatch were such as nothing could be founded upon was one of the most unbusinesslike that he had ever heard made in the House of Commons. Mr. Tilley, in his letter to the right hon. Gentleman said, that so long ago as 1871 the offer was made, and it was not a formal tender for an independent service, but an estimate on which the Government might treat. The British India Company had accepted the northern route. They were of opinion that it was not necessary to have a subsidy for the service from Natal to the Cape, because there was a good trade already from Natal to the Cape. With regard to the question of the appointment of a Select Committee, everything would depend on the composition of that Committee. No Committee was needed to express a judgment upon the way in which this business had been transacted; the House could give its judgment on that. He thought we might have a Committee to inquire generally into the transactions of the Post Office in relation to mail contracts, and more especially in relation to the private

arrangements that were entered into in connection with them afterwards; and he thought the House would perhaps be ready to grant such a Committee by-and-by. As to the Committee which the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) was going to propose, he should be glad to hear what the right hon. Gentleman had to say in its favour, and would then perhaps offer some remarks on the subject.

MR. BOUVERIE, in rising to move as an Amendment—

"That a Select Committee be appointed to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right Honourable William Monsell, Her Majesty's Postmaster General,"

said, he was glad the right hon. Gentleman the Chancellor of the Exchequer had given some explanation of the despatch which had been laid upon the Table since the last discussion and that he had not made a speech like that which he had delivered on the last occasion. With all deference to his position, he (Mr. Bouverie) must say that a speech less calculated to conciliate the judgment of the House, or to persuade it that this arrangement was for the public advantage, he had never heard. The right hon. Gentleman had then to defend what was alleged to be an improvident arrangement, and he told the House that it was the last body in the world that should pronounce an opinion on the contract; that it was subject to all sorts of influences, and that it should leave him (the Chancellor of the Exchequer) master of the situation; but the impression produced by the reading of the Papers was that the House would not have liked to have left the contracts in the position in which the right hon. Gentleman would have them placed at his absolute discretion. These were matters which required explanation, and therefore he ventured to put this Notice of Motion on the Paper. Another matter which required explanation was the omission of the Treasury Minute with reference to the last contract. Such a Minute was not a merely formal matter, but it was one of considerable importance. When the hon. Member for Hackney (Mr. Holms) spoke the other evening he had so much knowledge of the subject that he took it for granted

the House had more knowledge than it really possessed, and that it was aware how many contracts there were before the House dealing with this matter. There were three contracts which had been placed on the Table dated the end of last year, one with the British India Navigation Company, and the two with the Union Company, all for different portions of the line. One of these contracts which the House had not been asked to confirm—the service between this country and the Cape—had been withdrawn by the Government. So had the first one for the service between Zanzibar and the Cape. Then came another proposition for the service between the Cape and Zanzibar, to pay for the same service which had been offered for £15,000 the larger sum of £26,000. That was a circumstance which required explanation before the Select Committee. Another fact which required explanation from the Chancellor of the Exchequer was the omission of the Treasury Minute. The House would recollect why it was called upon to sanction these contracts at all, or why the Standing Orders required that a Treasury Minute should be attached to these contracts. It was upon this very matter of mail contracts that one of the most powerful Committees ever appointed by that House sat in 1860. They recommended that the House should confirm mail contracts, and that this Treasury Minute should be attached with the view of preventing blunders and jobs. In the present instance there was, of course, no idea of any imputation of jobbery, and he was sure that his hon. Friend the Member for Hackney would be the first to repudiate any such imputation. But there was, at all events, the appearance of an overt blunder having been committed which should be inquired into. This Company had got the contract to carry the mails from the Cape to Zanzibar for eight years for £26,000 a-year, when seven or eight months before, they were willing to undertake the same duty for £15,000. The hon. Member for Hackney was quite right in saying that these two Companies made a joint tender for £25,000 a-year for two contracts—£10,000 for the bit between Aden and Zanzibar, and £15,000 for the bit between Zanzibar and the Cape. Then appeared this extraordinary circumstance—that the Post Office authorities, when

they submitted this offer to the Treasury on October 29, 1872, stated the consideration for which the Union Company were willing to reduce the term of this service to Zanzibar from ten to eight years, so as to make it synchronous with the termination of the Peninsular and Oriental contract, the consideration was that their Lordships should extend to the same period a new mail contract from England to the Cape of Good Hope. They said they had got so favourable a contract at £15,000 that they were willing to reduce the term by two years if only the Government would agree to give them an extension, which they much desired, of the contract between the Cape and England. That extension was given to them; but the contract for it was subsequently abandoned by the Government on the remonstrance of the Cape colonists. The measure then of the sacrifice of the Union Company in this abandonment was not £11,000, to be paid for the service to Zanzibar for eight years by the taxpayers of the country, but it was two years' additional term, which might be added to the £15,000 for the Cape and Zanzibar contract. They were however, now told that this service for £15,000 per annum was such a loss to the Union Company that the Chancellor of the Exchequer thought it his duty to sacrifice £11,000 per annum more of the public money to console them for the loss of the extended contract between England and the Cape. It seemed to him that according to the Papers on the Table there was no ground whatever for taking £26,000 per annum as the real value of this contract to the Company when they agreed to give up the contract between England and the Cape. He wished to remind the House that this was not a new class of question. He did not think it desirable that the House should bait the Chancellor of the Exchequer on this question. He felt sure that he had decided according to his "lights," but it appeared from the papers that all the circumstances were not under his consideration at the time. And that was what the Committee on Mail Contracts in 1860 reported to have been the case in regard to the Galway and Dover Mail Contracts. The Committee reported that in making and modifying these contracts it was clear there was a want of concert

and of well defined responsibility. The Committee also recommended that new mail contracts should be open to competition; but that as to extensions or modifications of former contracts it was impossible to lay down any rules, and a discretion must be left to the Executive, subject to the control of Parliament. The Committee about to be appointed should apply these rules and recommendations to the present case. It was odd that one of the most prominent Members of that Committee, which was presided over by the late Mr. Dunlop, was the present Secretary to the Treasury, who moved the adoption of the Chairman's Report. The House was therefore entitled to look to him in order to see that the recommendations of that Committee should be fully enforced. It appeared, moreover, that this line was originally started, not for the purpose of offering facilities to trade, but with a view to the suppression of the slave trade. He doubted whether the House of Commons were justified in pursuing these indirect objects by a system of mail subsidies. If the slave trade were to be suppressed it would be much better to do it in a direct manner. The present case was essentially one for a Select Committee; but its Members should not be the holders nor the expectants of offices. They ought not to sit upon the Treasury bench and perhaps should not be ambitious of sitting there. They should be gentlemen capable of forming an independent opinion. There should be one gentleman on each side representing the opposite views on this question, but these two Members should be themselves debarred from voting. A Committee of that kind had been appointed to inquire into the *Laeda Bankruptcy* case, and other instances of such Committees were mentioned in Sir Thomas May's Book. He thought such Committees had more of a judicial character than ordinary Committees appointed by the House. When the conduct of a Minister or official person was in question it was objectionable to have a Committee composed of his Colleagues, or of those who were supposed to take a more or less official view of the matter. Indeed, this appeared to him very much like taking a jury from St. Giles's to try a pick-pocket. There was an influential element in that House of independent

Members who neither held office nor desired to form an official connection with the Government, but who were men of substance and of brains, and capable of pronouncing an independent opinion on such a question as the present. Therefore, if the House should agree to the appointment of a Select Committee, he would to-morrow or on Monday propose to nominate a Committee of seven Gentlemen to try the question of these contracts, and to name also his hon. Friend the Member for Hackney and some Gentlemen on the part of the Treasury as Members of the Committee without the power of voting, in order that they might elicit the facts for the judgment of the tribunal. This, in his opinion, would be a fairer and better solution of the question than the course proposed by the hon Member for Hackney; and he trusted it would commend itself to the fairness and good sense of the House. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right honourable William Monsell, Her Majesty's Postmaster General,"—  
(*Mr. Bouverie*.)

—instead thereof.

MR. HUNT said, his right hon. Friend who had just sat down proposed the reference of this subject to a Select Committee, and he understood that the Government made no opposition to that Motion. From the way in which the proposition had been received, he inferred there would be no opposition to such a course. Therefore, he was not disposed to enter into the merits of the question to-night; but there was one point he was rather anxious about, and which he did not think his right hon. Friend (*Mr. Bouverie*) had quite elucidated—namely, as to the way in which the Committee was to be chosen. There was a recent precedent on the subject. In 1868 it was his good fortune or misfortune to enter into the Cunard and Inman Contract, which in the following year was called in question in the House of Commons. It occupied the attention

of the House for a considerable time, and it was ultimately determined that the contract should be referred to a Select Committee. He offered no opposition to that course, and a Select Committee was appointed, but it was nominated by the Committee of Selection. The order on that occasion was that five Members should be appointed by the Committee of Selection and two Members by the House. He had not heard whether his right hon. Friend proposed that the Select Committee should be appointed in that way. [Mr. BOUVIER: I am quite willing.] He (Mr. Hunt) would propose that the matter should be treated in the same way as was done in the case of the Cunard and Inman Contract.

MR. CRAWFORD said, he did not intend to enter into the merits of the case, especially as the Government had signified its willingness to refer the matter to a Select Committee. But one or two matters had been referred to by the hon. Member for Hackney (Mr. Holms) with regard to which he thought his hon. Friend was in error. He understood the hon. Gentleman to say that the joint tender of the two Companies preceded the offer of the Union Company for the extension of its service.

MR. HOLMS begged pardon. What he meant to say was that the arrangement of the Government for the extension of the Western Contract was entered into after the joint tender of the 25th of June.

MR. CRAWFORD said, the proposal made by the Union Steamship Company for the extension of its services was made on the 12th January, 1872, and it was after that tender had been made, and while it was under the consideration of the Government, that, on the 25th of June following, the joint tender was made by the two Companies for the joint service. He denied that there was any attempt made by the Union Company to take money out of the pockets of the taxpayers; they proposed to remunerate themselves by the extra traffic they would derive.

MR. HOLMS agreed with the right hon. Gentleman opposite (Mr. Hunt) that the Committee ought to be appointed in the manner he had indicated. It should be one in which the House and the country would have the fullest confidence. He would suggest that both

the contracts should be submitted to that Committee.

MR. WHITE said, he could not allow the Zanzibar Contract to be referred to a Select Committee without declaring his opinion with regard to the speech of the Chancellor of the Exchequer. He thought the right hon. Gentleman ought this evening to have expressed regret for his utterances on the former occasion. The right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) had, in really strong terms, but with the blandness which became him, protested against the character of that speech. He (Mr. White) confessed himself that he had never heard a speech which gave him so much pain as the speech of the Chancellor of the Exchequer when this matter was originally brought forward. For the first time, he felt what must have been the mental torture—the absolute agony of the Prime Minister and of the Secretary of the Treasury—on seeing all the principles which they had so earnestly, so honestly, and so efficaciously advocated, trampled underfoot and treated with contempt by the right hon. Gentleman. The right hon. Gentleman told the House he could not help feeling it was much more desirable that the responsibility of entering into Post Office mail contracts should rest with the Government, than that it should be transferred to the House of Commons, because such a transfer would tend to introduce personal solicitation, lobbying, and other practices which he should be sorry to see introduced into this country. He (Mr. White) could testify that the whole course of the policy of the House since he had occupied a seat in it, had been to assert the right to question, revise, and control, all such contracts which successive Governments had made. Owing to ignorance, or perhaps want of forecast, or of information on the part of such Governments, we had existing mail contracts to the amount of £1,260,000 per annum; whereas it was notorious that the service could in all respects be now as efficiently done at considerably less—he believed at less than one-half that cost. He felt sure that, if the right hon. Member for North Northamptonshire (Mr. Hunt), sitting on the right hand of the Speaker as Finance Minister, had given utterance to such sentiments as those of the Chancellor of the Exchequer, the whole of the Liberal side

*Mr. Hunt*

of the House would have been in a blaze. There would have been one wide-spread feeling of indignation, and he confessed that he himself looked upon the Chancellor of the Exchequer's condemnation of the reiterated and emphatic declarations of the Prime Minister with regard to the constitutional control of Parliament with feelings of abhorrence.

MR. RATHBONE said, that if the Union Company had wished to go on with a contract they might have done so, and, if not, the House would have been perfectly willing that compensation should have been given them for any expense they might have been put to—the matter to have been settled by arbitration. If that were done, the amount which the country would have to pay would not be one-fifth of that which the Chancellor of the Exchequer now proposed.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Question proposed, "That the words 'a Select Committee be appointed to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right honourable William Monsell, Her Majesty's Postmaster General,' be there added."

MR. HUNT moved to add, at the end of the Question the words "such Committee to consist of Seven Members, Five to be nominated by the Committee of Selection, and Two to be added by the House."

MR. BOUVERIE said, he thought the present was hardly the occasion to raise the question raised by the right hon. Gentleman opposite (Mr. Hunt) which was entirely distinct from his proposal. Indeed, if the words of the right hon. Gentleman were added to the proposal, any hon. Gentleman would be entitled to claim that it be divided and the Question put separately. In the course of his remarks he had said nothing about the mode of appointing the Committee, and his sole desire was that there should be one of an independent character. In 1867 in the case of Meer Ali, involving the character of a Member of that House, and in 1854 Committees had been appointed in the way which he had suggested. He thought the best course would be that the right hon. Gentleman

should wait until he saw the list of the Committee, when he might move the rejection of any names to which he might object.

MR. SCLATER-BOTH said, he thought the proposal of his right hon. Friend near him (Mr. Hunt) was a fair one, and, besides, it was in accordance with the last precedent, when a contract such as that under discussion was referred to a Select Committee. He had heard the name of the probable Chairman and some of the Members of the proposed Committee mentioned since he had come down to the House, and he did not think it expedient that the matter should be arranged in that way.

MR. GLADSTONE said, no one could have listened to the speeches of the right hon. Gentleman opposite (Mr. Hunt) or of his right hon. Friend behind him (Mr. Bouverie) without feeling that their object was that the composition of the Committee should be perfectly equitable. For his part, he thought that the Government should take as little part as possible in the matter, and that they should be guided by the general feelings of the House. The more agreeable, and perhaps more regular course, would be to take the Motion for the appointment of a Committee first, and next the question as to the mode of its appointment. He presumed that Notice would have to be given with respect to the two modes of appointing the Committee; and believing that his right hon. Friend and the right hon. Gentleman opposite might approximate in their views, he thought great advantage might arise from giving the subject 24 hours' consideration.

MR. DISRAELI: I must remind the House that on the previous occasion referred to—the contract with the Cunard Company—a similar discussion took place, and the same views were expressed, and the House arrived at the result which has been suggested by my right hon. Friend (Mr. Hunt). No doubt we ought to consider the feelings of the Committee of Selection as much as possible; but the objection of the Members of that Committee to appoint in inquiries of this character usually arises from the fact that such investigations are of a personal nature. Now really we cannot say that an inquiry into the conduct of a Department of the Government is to be looked upon as a personal investigation, or that the Committee of Selection

would feel that delicate embarrassment which is natural to them when they have to appoint Gentlemen to inquire into the conduct of individuals. The difference is so distinct that I think the House will at once recognize it; but I agree with the right hon. Gentleman (Mr. Gladstone) that in all these cases it is expedient not to act with any precipitation. I do not think the question will at all suffer by being postponed for 24 hours, and I have no doubt we shall then arrive at a decision which will be thoroughly satisfactory.

Mr. HUNT said, he would withdraw his Amendment; but he desired to point out that it was similar in its terms and in the mode in which it was proposed to the precedent he had referred to.

Amendment, by leave, *withdrawn*.

Question, "That those words be there added," put, and *agreed to*.

Main Question, as amended, put, and *agreed to*.

Select Committee appointed, "to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right honourable William Monsell, Her Majesty's Postmaster General"—(Mr. Bouverie.)

And, on June 26, Committee nominated as follows:—Mr. DODSON, Mr. BENYON, Mr. LEATHAM, Sir ROWLAND BLENNERHASSETT, Mr. WATERHOUSE, Sir EDWARD COLEBROOKE, Viscount SANDON, Mr. HOLME, and Mr. GOSCHEN:—Power to send for persons, papers, and records; Five to be the quorum.

#### BLACKWATER BRIDGE BILL.

Order for Committee read, and *discharged*:—Bill committed to a Select Committee, to consist of Five Members, Three to be nominated by the House, and Two by the Committee of Selection:—Mr. SEYMOUR, Colonel WYKER, and Mr. STONE nominated Members of the said Committee:—Three to be the quorum.—(Mr. Montague Guest.)

#### COURT OF QUEEN'S BENCH (IRELAND). (GRAND JURIES) BILL.

On Motion of Sir COLMAN O'LOUGHLIN, Bill to regulate the summoning of Grand Juries in the Court of Queen's Bench in Ireland, ordered to be brought in by Sir COLMAN O'LOUGHLIN and Mr. Serjeant SHERLOCK.

Bill presented, and read the first time. [Bill 198.]

House adjourned at a quarter before One o'clock.

*Mr. Disraeli*

## HOUSE OF LORDS,

Friday, 20th June, 1873.

MINUTES.]—PUBLIC BILLS.—*First Reading*—Ecclesiastical Commissioners \* (170).  
*Second Reading*—Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* (115); Local Government Provisional Orders (Nos. 5 and 6) \* (154, 157).  
*Select Committee—Report*—Elementary Education Provisional Order Confirmation (No. 1) \* (68) [No. 166]; Metropolitan Commons Supplemental \* (110); Canonries \* (83) [No. 168].  
*Committee—Report*—Elementary Education Provisional Order Confirmation (Nos. 4, 5, and 6) \* (149, 151, 152); Grand Jury Presentments (Ireland) \* (168).  
*Report*—Elementary Education Provisional Order Confirmation (No. 1) \* (68, 167); Canonries \* (83-169).  
*Third Reading*—Local Government Provisional Orders (Nos. 2, 3, and 4) \* (135, 142, 143), and *passed*.

## VISIT OF THE SHAH OF PERSIA. THE REVIEW IN WINDSOR PARK.

### QUESTION.

THE DUKE OF RICHMOND wished to know, Whether it was intended that their Lordships should sit on Tuesday next? The Review at Windsor on that day would not commence till 5 o'clock, and those of their Lordships who intended to be present could not possibly attend the meeting of the House. He wished to know if the Government had considered the probability of their having a poor attendance in the House on that evening, and whether it would not be as well to decide that there should be no sitting?

THE MARQUESS OF RIPON said, he could not answer the Question, but his noble Friend (Earl Granville) would be present before their Lordships adjourned, and would be able to give the desired information.

LORD REDESDALE suggested that there should be no sitting on Monday. Many of their Lordships desired to be present at the Naval Review on that day, which would prevent them attending the House. He should be glad to be informed on that point.

At the close of the sitting,

## VISIT OF THE SHAH OF PERSIA— NAVAL REVIEW AT SPITHEAD.

### QUESTION.

LORD CHELMSFORD inquired whether it was the intention of the Govern-

ment to move an adjournment over Monday next, on which day the Naval Review in honour of the Shah would be held.

EARL GRANVILLE observed that there was but one Motion of importance on the Paper for that day. He did not know whether his noble Friend (Lord Redesdale) intended to bring it forward.

LORD REDESDALE said, he should certainly do so in the event of the House meeting.

EARL GRANVILLE said, the matter was in the hands of their Lordships. He should be guided by the opinions that might be expressed in reference to it.

No noble Lord rising,

EARL GRANVILLE said, he should make the usual Motion for adjourning till Monday.

#### ARMY—CANDIDATES FOR COMMISSIONS.—QUESTIONS.

LORD VIVIAN asked, What steps are taken to ascertain the character of gentlemen who apply to be examined for direct commissions in the Army; and whether any, and, if so, what means are taken to prevent those who have been expelled from public institutions from entering into competition? He feared that the system of examination would exclude many excellent men from the Army; but while it did exist he thought it was for the Government to give a pledge that at least it should be so carried out as to insure the best men being obtained. He understood that in a recent examination there were 600 candidates for 80 commissions. Some of the persons who presented themselves were, he was told, very "rough diamonds," who, no doubt, might be knocked into shape in the service. Two of them, he was told, had been dismissed from the Royal Military Academy at Woolwich. He hoped that this last statement was incorrect, for it would be strange that gentlemen dismissed—probably for drunkenness or grave insubordination—from that institution, and consequently excluded from the Artillery, should be allowed to serve in the Line. For Line service, men of high moral character, energy, and determination were required; but he feared that such were not the men who were coming in for examination under the existing arrangement. The best thing, he be-

lieved, would be to revert to the Commander-in-Chief's List, and to let the responsibility fall on him. He feared that if anybody were allowed to compete, the Army would eventually become unfit for any gentleman to enter.

THE MARQUESS OF LANSDOWNE said, in reply to the noble and gallant Lord's first Question, that paragraph 13 of the regulations for first appointments required a certificate of good moral character from the clergyman of the parish in which the candidate had recently resided, or from the head of the College or school where he had been educated during the two preceding years, or some other satisfactory proof of good moral character. As to the second Question, the phrase "public institutions" was ambiguous—he presumed it referred to public military institutions. With respect to them, it had always been the practice to report every case of expulsion from Woolwich to the Commander-in-Chief—in fact, the expulsion could not take place without his authority. Cases of removal, which had always been distinct from expulsion, being the result of some minor irregularity or possibly of inability to comply with the educational requirements of the place, should be similarly reported, and were also dealt with by the Commander-in-Chief. In the two cases referred to by the noble and gallant Lord, the Office papers did not show that any such notification was made at the time—an omission which would not occur again. As to public institutions of a non-military character, His Royal Highness's opportunities of obtaining information were not equally good; but it was in contemplation to insert a rule requiring a candidate to mention the school or place of instruction which he had attended since the age of 12; so that should His Royal Highness think further inquiries into the antecedents of any candidate necessary, he might have full opportunities of doing so. His Royal Highness was now—as he had always been—the arbiter of the fitness of any gentleman for a commission in the Queen's forces, and his facilities for determining it had not been diminished by the changes recently made.

THE DUKE OF RICHMOND asked, Whether His Royal Highness had the option of refusing permission to go up to be examined?



THE MARQUESS OF LANSDOWNE replied, that if His Royal Highness deemed any candidate unfit to serve the Queen, no one could question his right to withdraw him from the competition.

LORD VIVIAN believed the two gentlemen referred to had passed the examination among the first candidates. Would they get their commissions, or could His Royal Highness refuse them as unfit?

THE MARQUESS OF LANSDOWNE said, both cases, neither of which were cases of expulsion, were now under the consideration of His Royal Highness.

THE EARL OF MALMESBURY asked, Whether the Commander-in-Chief could object to a man who had passed the examination as one of the first 80?

THE MARQUESS OF LANSDOWNE apprehended His Royal Highness had such a right.

EARL GREY said, that since the responsibility of selecting candidates had ceased to rest directly with the Commander-in-Chief, there was reason to fear that less care than formerly had been exercised. He deprecated the lowering of the high character hitherto borne by British officers, and hoped that in any revision of the Rules it would be distinctly laid down that no man had a right to go up for these competitive examinations who could not satisfy the Commander-in-Chief that he was in all respects an eligible person for admission into the British Army. A written certificate was often of small value, being written very often by a man with little knowledge of the candidates.

THE DUKE OF CAMBRIDGE said, it was a duty of the military authorities to ascertain beforehand, as far as possible, the moral character and general acquirements of a candidate; and he had the power, which he exercised with every discretion, of rejecting any unfit man. It was, however, an extremely difficult and delicate matter to find out the exact character of young gentlemen; and in the two cases referred to by his noble and gallant Friend (Lord Vivian), anything more perfect than they were represented to be could not be conceived. This showed the necessity of great care; and if by accident a candidate's unfitness occasionally escaped discovery, it would be no fault of the authorities, if they could help it, but would be one of the accidents attending competitive examina-

tions. Removal and expulsion were frequently confounded—but, in fact, they were very different things, for the former might be necessary in the interests of discipline for a very trivial offence, and it would be hard to exclude a man whose subsequent behaviour was good from the public service. In other cases removal almost amounted to expulsion and ought to be a disqualification. He regretted the occurrence of these cases, and trusted that in any future case of removal a repetition of this unfortunate error would be avoided.

#### ARMY—CONTROL DEPARTMENT— AUTUMN MANŒUVRES, 1872— REPORTS.

##### MOTION FOR PAPERS.

THE DUKE OF RICHMOND rose to ask the Under Secretary of State for the War Department Whether any Reports were made by Lieutenant General Sir Robert Walpole, Lieutenant General Sir John Michel, and the Generals commanding Divisions, upon the working of the Control Department during the last Autumn Manœuvres; and, if so, to move an Address for their production. As had been stated at the time they were proposed, the Autumn Manœuvres were designed to serve as schools of instruction and to test the efficiency of every arm of the service. It therefore was important to know whether the Control Department—an important feature in Mr. Cardwell's re-organization of the Army—had proved efficient at at present constituted. What he desired to ascertain was the working of the Department, and whether it was likely to be efficient in time of war as proved by its efficiency in time of peace. The Field Marshal Commanding-in-Chief, in his interesting Report on the last Manœuvres, had spoken of the whole arrangements as more or less tentative, and had commended the zeal and attention of the officers of the Control Department. But without disparaging His Royal Highness's opportunities of seeing what occurred—he had himself said he frequently knew no more of what was going on than a casual spectator—it was obvious that the Generals commanding the various forces and their Brigadiers could give a more detailed account of the working of the

Department than the Commander-in-Chief. The only subordinate officer, however, who in the published Report had been allowed to give his version of the proceedings was Mr. Maturin, a subordinate officer of the Control Department, who, alluding to reports that there had been inconvenient delays on the part of his Department in the supply of provisions and forage said, he had made inquiries which had shown that they were unfounded, and that he had much satisfaction in referring to the "favourable opinion expressed by the General Officers of Divisions, &c., as to the proceedings of this Department." Now, what might satisfy Mr. Controller Maturin might fail to satisfy their Lordships, and it would create a bad precedent to allow a public officer to refer to the opinions of other officers and to refuse the production of those opinions. He hoped, therefore, these Reports would be laid on the Table.

THE MARQUESS OF LANSDOWNE said, Sir Robert Walpole and Sir John Michel had reported to His Royal Highness on a great number of subjects, including the working of the Control Department. The Generals of Divisions had also reported to those two Generals, whose Reports, indeed, were founded on those of the General Officers. The object of the *Manœuvres*—the testing in time of peace the efficiency of our arrangements for war—rendered it necessary that everything should be freely reported upon by the General Officers in command of *corps d'armée*; but it would be impossible for this to be done with the requisite freedom if it were known to those by whom the Reports were prepared that they would be circulated as public documents. He believed the illustrious Duke the Commander-in-Chief would support him in this view. With regard to the published Report of Mr. Controller Maturin, had he (Mr. Maturin) specially referred to the General Officers' Reports as expressing approval or disapproval of the system of the Control Department, he could not have objected to their production; but this was not the case, for Mr. Maturin's reference was to the efficiency of the Control officers, whose exertions had been spoken of with commendation by His Royal Highness in his Report. Indeed, Mr. Maturin's Report had, in the first instance been appended to that of His

Royal Highness and had been published as an integral part of the latter.

THE DUKE OF RICHMOND then moved that an humble Address be presented to Her Majesty for Copies of the above Reports.

LORD CAIRNS remarked that according to this doctrine, Controller Maturin had more power than the Members of Parliament, for no Minister of the Crown could state the purport of a document in the possession of the Government without producing it.

EARL GRANVILLE contended that as a Member of the Government he was at liberty to state that diplomatic Correspondence was in a certain direction without being bound to produce the whole of that Correspondence.

LORD VIVIAN hoped the noble Duke would press his Motion.

VISCOUNT HARDINGE approved the principle of concentrating the great departments of supply; and remarked that many of the difficulties encountered by the Control Department, such as railways and horses, would not arise in time of war. He had heard various complaints showing that the Control Department had not always worked satisfactorily, and he could not see that any disadvantage would accrue to the public service if certain extracts from the Reports of General Michel and General Walpole, and from the Reports of Brigadiers if necessary, were laid before Parliament.

THE DUKE OF CAMBRIDGE hoped the Motion would not be pressed, for it was impossible to expect that officers would report frankly and unreservedly if their Reports were to be published; and, moreover, complaints really trifling would be supposed by the general public, lacking the knowledge necessary to judge such points, to be important. He might have been in fault in publishing Mr. Controller Maturin's Report—and there was clearly no more reason for publishing this than the Reports of General Officers. The conduct of the officers of the Control Department was admirable, and no men could have shown more zeal; but there were, no doubt, shortcomings in the system, and many points would require amendment. It was important the shortcomings should be ascertained, in order that they might be remedied, and he believed the Control Department would by degrees be

brought into such a position that it would not encounter so many detractors as it certainly did at present.

THE DUKE OF RICHMOND said, that after what had fallen from the illustrious Duke he did not think he should be justified in pressing for the production of the Papers; but he was satisfied, from the course of the discussion, that he was quite justified in drawing their Lordships' attention to the subject—particularly as he found it required a great deal of persuasion to induce the Control Department to believe there was any possibility of their having any shortcomings. He had heard that the Control Department had not been a complete success during the Manœuvres, and that statement seemed to be confirmed by the fact, that the Under Secretary for War had declined to produce the Reports upon the subjects—if these Reports had been of a favourable character there would have been no difficulty about producing them. He hoped that for the future any document referred to in a published Report would be produced.

LORD DE ROS said, that half the difficulties of the Control Department were attributable to the want of draught horses, and to the absurd and wasteful plan of converting cavalry horses into draught horses. This was like using blood horses in farming. It was unwise to attempt to save expense in such a way.

LORD WAVENEY said, that the impression produced on his mind was that great care and efficiency had been shown by the Control Department in connection with the Autumn Manœuvres, both in the preparations beforehand and in the actual practice in the field.

THE MARQUESS OF LANSDOWNE explained that the objection he had taken was to the principle of the production of the Papers—an objection entirely borne out by what had fallen from the illustrious Duke.

Motion (by leave of the House) *withdrawn*.

#### ARMY—ABOLITION OF PURCHASE— MEMORIALS OF OFFICERS.

##### MOTION FOR PAPERS.

THE DUKE OF RICHMOND rose to move—

“That an humble Address be presented to Her Majesty for Return of the number of officers

of the army who have memorialised His Royal Highness the Commander-in-Chief with reference to their position and prospects consequent upon the abolition of purchase; and for Copies of all letters from the generals commanding districts forwarding the said memorials.”

He had, he said, on a former occasion called attention to the existence of a feeling of discontent among officers of the Army resulting from the manner in which the abolition of purchase had been carried out. He believed, indeed, that he had rather under-stated than over-stated the extent of that feeling. He believed that a feeling of discontent now pervaded the whole Army, arising from the position in which they were placed by that great change. There was not a mess-room in the entire service in which the position of the officers was not freely criticized, and the conduct of the Government commented upon in no very flattering terms. In such an important body as the officers of the Army, it was a most unsatisfactory state of things that that feeling should exist. When he previously brought the subject under the notice of the House, His Royal Highness the Commander-in-Chief pointed out how the grievances of the officers were to be brought under his consideration. He believed the number of those who had sent in their claims was very large; and it was in justification of what he had stated on a former occasion that he had put his present Motion on the Paper. He did not ask for what the officers said, nor for their specific complaints; but, in the first instance, for the number of those who deemed themselves aggrieved by the alteration of the law. He must observe that there was not a single Member of the Government connected with the War Department during the passage of that Bill who did not, on more occasions than one, point out that the position of the officers was to be no worse than it was before purchase was abolished. Therefore it was but natural, when purchase was abolished and officers found their position was now really worse, that discontent should prevail in the Army. He did not ask how it was proposed to deal with that question; but of this he was perfectly certain that a departmental inquiry would not satisfy the officers of the Army. He ventured to say that nothing would satisfy the officers or the country unless Her Majesty was gra-

*The Duke of Cambridge*

ciously pleased to issue a Royal Commission of inquiry into the subject, composed of thoroughly impartial and competent persons in whom both the service and the public would have confidence. If a Royal Commission so constituted were appointed, and their decision was adverse in many cases to the officers, still the officers would feel that they had had a fair inquiry, and that, however much they might dislike the result, they were bound to be satisfied with it. On these grounds he hoped the Government would recommend Her Majesty to issue such a Commission.

*Moved that an humble Address be presented to Her Majesty, for, Return of the number of officers of the army who have memorialised His Royal Highness the Commander-in-Chief with reference to their position and prospects consequent upon the abolition of purchase; and for, Copies of all letters from the generals commanding districts forwarding the said memorials.—(The Duke of Richmond.)*

THE MARQUESS OF LANSDOWNE said, that he was anxious not to withhold from the noble Duke the information which could be legitimately given to him that he would not resist his Motion for the Return.

THE MARQUESS OF HERTFORD said, he had never in the whole course of his long service seen anything like the feeling of discomfort and dissatisfaction which now existed among the officers of the Army. There prevailed a strong distrust of the War Office, not of the Horse Guards, for they respect the Commander-in-Chief and were as well inclined as ever to obey all military authority. When last year Lord Abinger moved in the most temperate manner for an Address to the Crown praying for a Commission to inquire into the case of 600 old captains, who were to be superseded by Artillery and Engineer officers, there was a majority though he admitted a small one—on that occasion. Nevertheless, the Government ignored that majority entirely, and the warrant came out superseding those 600 old captains. The War Office have now restored 200—or one-third—of those old officers to their proper places exactly in the way the noble and gallant Lord asked to be done—and though it was true that even one-third of a loaf was better than no bread, the officers naturally felt much annoyed and disgusted with the inconsiderate conduct of the Se-

cretary of State. Another small incident which lately occurred also showed what was being done, and how the Army was being taken out of the hands of the Horse Guards and placed under civilians. On the 1st of March last the official *Army List* was expected. What must have been the feelings of the officers when, on opening *The Army List*, they saw at its head, instead of the venerated name of the Field-Marshal Commanding-in-Chief, the name of the Right Hon. Edward Cardwell, Secretary of State! He could only say that his blood boiled to see it, and that feeling, he believed, was participated in by a great part of the Army. Colonel Hart, with the true feeling of a soldier, put the name of Her Majesty as commanding Her own Army, and he hoped that example would in future be followed in official *Army Lists*. He had no feeling against the Secretary for War. On the contrary, he had a great admiration of many of his qualities, knowing the pains he had taken to make himself acquainted with the Army and to grapple with many difficulties; still he could not but think that the right hon. Gentleman was very ignorant and regardless of the feelings of the officers. The Government would, he trusted, very soon grant a Royal Commission, for he was convinced that nothing short of that would be satisfactory to either the officers or the men of the Army.

THE DUKE OF RICHMOND expressed a hope that the Return would soon be laid on the Table. The Session was passing away, and it was very desirable to ascertain without delay the views and intentions of Her Majesty's Government.

THE MARQUESS OF LANSDOWNE assured the noble Duke that the Returns would soon be in their Lordships' hands, and that a full opportunity would be given them of considering the intentions of the Government.

*Motion agreed to.*

#### ECCLESIASTICAL COMMISSIONERS BILL [H.L.]

A Bill for amending the Ecclesiastical Commissioners Acts 1840 and 1850, and for other purposes—Was presented by The Lord President; read 1<sup>st</sup>. (No. 170.)

House adjourned at a quarter before Seven o'clock, to Monday next, a quarter before Five o'clock.

## HOUSE OF COMMONS,

Friday, 20th June, 1878.

MINUTES.] — PUBLIC BILLS — Committee — Rating (Liability and Value) [146]—R.P.  
 Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3) \* [183]; Tithe Commutation Acts Amendment \* [193], and passed.

The House met at Two of the clock.

## CROWN SALMON FISHINGS.

## QUESTIONS.

MR. ELLICE asked the Secretary to the Treasury, Whether it is not the usual practice, where salmon fishings on the sea coast belong to the Crown, to offer the refusal of the lease of such fishings to parties interested in the property immediately adjoining; whether the lease of salmon fishings on the sea coast *ex adverso* of the burgh of Crail is not at present, or has not until lately been in accordance with the said practice, vested in the hands of the municipal authorities of that burgh; whether an application for the renewal of such lease has been peremptorily refused to the said municipality; if so, whether he will state the reason for such refusal, and whether and to whom such fishings have been otherwise privately disposed of; and, whether he has any objection to produce the Correspondence upon this subject?

MR. BAXTER: It has been, Sir, the usual practice, as a matter of courtesy to individuals and of convenience to the Department, where salmon fishings on the sea coast belong to the Crown, to offer the refusal of the lease of such fishings to the *ex adverso* proprietors, but not, as stated in the Question, to parties merely interested in the property immediately adjoining. The salmon fishings on the sea coast, *ex adverso* of the burgh of Crail, are at present under lease to the municipal authorities. An application, however, for the renewal of the lease to the municipality has been declined, because it was considered that it would be better for the interests of the Crown and the public to let the fishings, with other adjoining fishings extending for some miles along the coast, to a practical salmon-fisher, the sea frontage within the limits of the burgh of Crail

being too narrow to admit of a separate fishery being established there to advantage. The fishings along a considerable extent of coast have accordingly been let to Messrs. Johnston and Sons, salmon-fishers, who at present rent the fishings from the sub-tenant, to whom the burgh let them. It would be quite unusual to produce Correspondence on such a subject.

MR. ELLICE: I want to know, Whether the right hon. Gentleman does not consider that, as a general rule, proprietors of land *ex adverso* of the sea-shore, ought to have the refusal of the salmon fishing belonging to the Crown on such shore, and that where a different course is proposed to be taken, due notice should be given to such proprietors, in order that they might have full opportunity for representing their cases to the proper Department?

MR. BAXTER: I am not prepared to answer the Question at this moment, though I may say I consider that in this case, ample justice has been done to all parties.

## LOCOMOTIVE ACT, 1861—INSPECTION OF BRIDGES.—QUESTION.

MR. HOWARD asked the Secretary of State for the Home Department, If he will state to the House the reasons why a request, made on 21st of April last, in conformity with Clause 6 of the Act of 24 & 25 Vic. c. 70, for an Inspector to be sent to report upon the capabilities of certain bridges in Bedfordshire and Cambridgeshire to carry locomotive engines, remained unnoticed for seven weeks; and, on what grounds, or under the provisions of what Act, the person making the request was required by the Under Secretary to give an undertaking to the Home Department to pay all expenses incurred by such Inspector?

MR. BRUCE: Although, Sir, the Act has been in operation since 1861, this is the first case which has arisen under the section referred to. The delay has arisen from the necessity of ascertaining the facts from the surveyor of the bridges in the first instance, and then of communicating with the Board of Trade as to the appointment of a person to make the inspection. So much time, however, would not have been spent if the applicant had correctly stated the names and addresses of the surveyors against whose notices

he appealed. As to the second part of the Question the Act provides, with the view of securing an impartial arbitrator, that the question shall be determined by an officer to be appointed, on the application of either party, by the Secretary of State; but it makes no provision as to the payment of the officer's expenses. The matter is one of purely local concern, and the costs ought to be paid by the parties interested.

#### POST OFFICE—TELEGRAPHS IN RURAL DISTRICTS.—QUESTION.

MR. AGAR-ELLIS asked the Postmaster General, Whether it is owing to the financial difficulties in the Post Office this year that telegraph works in rural districts which had been sanctioned and promised have been stopped; and, if so, when the public may expect them to be resumed?

MR. MONSELL: Sir, pending the consideration of the questions now before the Committee on Public Accounts, the telegraph extensions in rural districts have been suspended. It cannot at present be stated when they will be resumed.

#### THE CHANNEL ISLANDS—PLATTE BONE ROCK.—QUESTION.

VISCOUNT BURY asked the Secretary to the Admiralty, Whether the buoy which was formerly placed on the Platte Bone Rock, near the Island of Guernsey, has been removed, and, if so, when, and by whose orders; whether the said buoy still appears in the latest editions of the Admiralty Charts; and, whether any notification of the removal of the said buoy was issued by the Admiralty previous to the loss on the Platte Bone Rock of the steamer "Waverley," on the night of the 4th of June?

MR. SHAW-LEFEVRE in reply, said, that the Admiralty had no jurisdiction over buoys, except in the case of the dockyards. The buoy in question had been removed at the suggestion of the local authorities, inasmuch as it had so frequently been washed away, that there was no reliance to be placed on it. The removal of the buoy was notified to the Admiralty on the 26th of May, before the loss of the *Waverley*, and it had been replaced by beacons, and that was all the information he was possessed of on the subject. Notice of the change had been given to the channel pilotage.

#### LAW OF HOMICIDE—LEGISLATION. QUESTION.

MR. CHARLEY asked the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce this Session a Bill to amend the Law of Homicide in general, or that portion of it which relates to Infanticide?

MR. BRUCE in reply, said, that a Bill on the subject was prepared and he should be very glad to introduce it. It would not be well to do so, however, he thought, unless there was some probability of passing it, and as to that he could say nothing with certainty in the present state of Public Business.

#### FRANCE AND BELGIUM—EXAMINATION OF TRAVELLERS' LUGGAGE. QUESTION.

MR. MUNTZ asked the Under Secretary of State for Foreign Affairs, If his attention has been called to the recent Convention between Austria, Italy, and Germany, abolishing the visitation of passengers' luggage at their respective frontiers; and if Her Majesty's Government would consider the propriety of extending this convenience by similar Conventions with France and Belgium?

VISCOUNT ENFIELD: I believe, Sir, that a notification has appeared in the newspapers, to the effect that a Convention has been made between Austria, Italy, and Germany, abolishing the visitation of passengers' luggage at their respective frontiers; but no communication has been made on the subject to Her Majesty Government from the Governments of the countries in question with respect to its provisions. Under those circumstances I could not undertake to say whether Her Majesty's Government are prepared to make any proposals on this point to the Governments of France and Belgium.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

MR. GLADSTONE, in rising to move that the House do adjourn this day at the close of the Morning Sitting, said, it might be convenient, as some portion of the House might desire to attend on Monday and Tuesday next, that he should state what was the Business which it was proposed to take on those days. It was proposed to proceed with

Committee of Supply, taking the Army Estimates first on Monday, and secondly, the Education Vote; after that, if there was time, with the Lords' Amendments to the Railway and Canal Traffic Bill, and the Valuation (Ireland) Bill. On Tuesday morning it was proposed that they should proceed with the Intestacy Bill of his hon. Friend the Member for East Surrey (Mr. Locke King), the principle of which had been already sanctioned by the House, and which now stood for Second Reading; then with the Canada Loan Bill the Valuation (Ireland) Bill, if not disposed of on Monday night, and the Juries Bill.

*Moved*, "That this House do adjourn this day at the close of the Morning Sitting.—(Mr. Gladstone.)

SIR JOHN PAKINGTON said, that the right hon. Gentleman the Prime Minister had shown every desire to suit the convenience of the House; but he thought it would be well not to take the Army Estimates on Monday, as many hon. Members who would wish to discuss them would not be able conveniently to attend on that day. He would also put it to the right hon. Gentleman, whether he would not reconsider his proposal to take a Bill of such importance as the Intestacy Bill on Tuesday morning?

MR. NEWDEGATE asked when the Judicature Bill would be again submitted to the House?

MR. GLADSTONE said, he could assure the right hon. Gentleman the Member for Droitwich (Sir John Pakington) that it was a choice of evils on the part of the Government, who would be very sorry to inflict inconvenience on any hon. Gentleman in the discussion on the Army Estimates. But as the greatest happiness of the greatest number was the rule of action generally, so the smallest unhappiness of the smallest number was the rule which the Government endeavoured to adopt on this occasion. It was on that ground that they had come to the conclusion that the Army Estimates would be best discussed on Monday. With regard to Tuesday, there was the Judicature Bill, which might go into Committee, and the Juries Bill, the Committee on which might be continued, but with respect to which he was confident that the difficulty raised the other night with respect to local taxation had been removed out of the

way. The observation of the Government had been, that both these Bills were measures in which a large number of the House took an interest, and the discussion of which they would desire to attend; and the Government had endeavoured to arrive at the best judgment they could.

SIR JOHN PAKINGTON again expressed a hope that the right hon. Gentleman would not proceed with the Army Estimates on Monday.

MR. MONK said, he trusted that the Railway and Canal Traffic Bill would not be brought on after 12 o'clock, or at an hour when it could not be discussed.

MR. BRUCE said, it was the intention of the Government to bring on the Bill at such a time as would enable the House to discuss it.

COLONEL BARTTELOT said, he did not object to the Order of Business on Monday, but he objected to the arrangement which had been made for Tuesday.

DR. BALL said, he strongly objected to proceeding with so important a Bill as the Intestacy Bill on Tuesday morning.

MR. GLADSTONE said, he should be glad to receive any suggestions from hon. Members. Perhaps it would be more agreeable to the House if he were to propose to take the Canada Loan Bill first on Tuesday and the Valuation (Ireland) Bill second, and if the two measures did not consume the whole day they might then perhaps proceed with the Juries Bill.

*Motion agreed to.*

*Resolved*, That this House do adjourn this day at the close of the Morning Sitting.

#### RATING (LIABILITY AND VALUE) BILL.—[BILL 146.]

(Mr. Stanfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert.)

COMMITTEE. [Progress 19th June.]  
Bill considered in Committee.

(In the Committee.)

Clause 13 (Exemption of stock in trade).

Question again proposed, "That the words

'and all machines and machinery other than that by means of which motive power is generated or transmitted, shall be deemed to be stock in trade and included in the provisions of the said Act,'—(Mr. Cawley.)  
—be added at end of clause."

Mr. Gladstone

Mr. F. S. POWELL rose to move, as an addition to the Amendment, the following words:—"In the case of any mill or manufactory or building used for any such purpose." He said the Amendment would bring the law of England into harmony with that of Ireland, and that was a thing which was extremely desirable.

Amendment proposed to the said proposed Amendment,

After the word "and," to insert the words "in the case of any mill or manufactory or building erected or used for any such purpose."  
—(Mr. Francis S. Powell.)

Mr. STANSFELD said, he thought it was desirable that the Committee should know exactly their position upon the question immediately at issue. There seemed to be an impression in some minds that the 13th clause altered the law, and in some respects narrowed the exemption of stock in trade. The simple effect of Clause 13, however, was to repeal the 2 & 3 Vict., c. 87, s. 2, which made the exemption of stock in trade temporary, thus leaving it a permanent exemption. The result was, as he contended, that the Bill before the House did not alter the present law of rating machinery, while the Amendment of the hon. Member for Salford (Mr. Cawley), modified, as it would be, to some extent by that of the hon. Member for the West Riding (Mr. F. S. Powell), would really alter the law and introduce changes the results of which could not be foreseen at present. He would be very sorry indeed to vote against the Amendment, because he wished to be in no way committed against its object; but it was surrounded at present with difficulties which would require the most careful consideration, and if the Amendment was pressed to a division, he would be compelled on the part of the Government to oppose it, because he could not pledge the Government to the terms suggested, though at another time his mind would be open on the subject. He hoped, therefore, that his hon. Friend would be content for the present to leave the question an open one. He urged that more especially, because the Amendment was really foreign to the immediate object of this Bill.

Mr. CAWLEY said, he could not consent to withdraw his Amendment, which he considered to be directly ger-

mane to the object of the Bill, and if the question was to be settled at all that was the proper time to do so. His Amendment was nothing more than an attempt to define what was and what was not stock in trade, and to explain an apparent contradiction of the law. A man was rated in respect of his occupation of an hereditament, and the Courts had held that the hereditament was to include whatever was attached to the freehold. The exigencies of commerce, however, had introduced machines which required attachment in order to give them stability, and hereupon the Courts held that machinery affixed to the hereditament by a large bolt was rateable, while a loom screwed to the floor was not an attachment to the freehold, and was not rateable. He did not wish to throw obstacles in the way of the progress of the Bill, but unless it was distinctly understood that the whole question should be fully considered, and a discussion allowed on the Amendment, or addition to the clause on the bringing up of the Report, he felt bound, in honour to hon. Gentlemen on the other side of the House, to take a division at the present stage.

THE SOLICITOR GENERAL believed that the effect of the Amendment, of the hon. Gentleman the Member for Salford (Mr. Cawley) if carried, would be to introduce great confusion in the administration of the law instead of to simplify matters. As the law now stood, it was not the machinery that was rated, but the whole of the property as enhanced in value by the machinery—the fixed machinery. The Amendment proposed to get rid of all that. ["No, no!"] It was proposed by the Amendment to rate "all machines by which motive power was generated or transmitted." It was said that the object of the Amendment was to make clear what machinery or portions of machinery should be rated; but it was difficult, if not impossible, to lay down any distinct rules on the subject. The question was one not so much of law as of fact, which must be decided on its merits in each case.

Mr. STAVELEY HILL thought some better rule should be laid down as to what machinery was and what was not rateable. It was not fair towards either the Courts or the ratepayers that matters should be left as they were, for the present state of the law was as bad as it



could be. The rule proposed by his hon. Friend the Member for Salford (Mr. Cawley) would be a great improvement. No less machinery would be rated under it than was rated at present.

MR. WHITWELL hoped the question would be deferred till the Report, in order that some better definition might be introduced.

MR. LOPES would vote against the Amendment. If the words proposed by the hon. Member for Salford (Mr. Cawley) were merely intended to define stock in trade, they were wholly unnecessary; but if it were intended by these words to exclude machinery fixed to the soil, which, although it was not rateable *per se*, was rateable indirectly, because it enhanced the valuation of the soil, then it was a most objectionable proceeding, seeing that the main object of the Bill was to extend the area of rateability.

MR. BRISTOWE hoped the Government would not under any circumstances listen to the suggested Amendment, which, instead of simplifying the Bill, would complicate matters ten times over, and land them in insuperable difficulties. He could not see how the generating or motive and transmitting power was always to be determined with a view to rating as in the case of steam power, waterwheels, windmills, and so forth. If the proposal were unfortunately sanctioned, it could not be worked or carried out by any human being.

MR. HERMON suggested that the Bill should be proceeded with with caution, and not hurriedly, for as it was a money Bill, it could not undergo revision in the other House. He hoped the Government would accept the Amendment which was now before them. He was quite prepared to admit that certain kinds of machinery should be rated, but the power to rate machinery ought not to be carried to such an extent as was contemplated, which would include every little thing down to the minutest points of detail.

MR. ANDERSON supported the Amendment of the hon. Member for Salford as being calculated to assist the operations of assessment committees.

COLONEL BARTELOT said, that having carefully considered the Amendments of the hon. Member for Salford (Mr. Cawley) and the hon. Member for the West Riding (Mr. F. S. Powell),

and remembering that the object of the Bill was to extend and not to decrease the area of rating, he was opposed to both of those Amendments. Though he had voted for exempting Sunday and ragged schools, he almost regretted having done so, as he thought it would be much better that the Bill should contain no exemption whatever.

MR. GLADSTONE said, that, looking largely at the question, the great motive which had impelled the movement for a change in regard to local taxation had been the complaints of the owners of real property with respect to realty being rated as against the vast personal property of the country which was not rated. Undoubtedly it was a most extraordinary application of the doctrine advocated by the hon. Gentleman the Member for Salford (Mr. Cawley) to say that when the complaint was that the range of rateable property was too narrow, they should proceed to narrow it further. They could not narrow the range further consistently with justice to the owners of real property. The strength of the Amendments consisted in this — that there was a great difficulty in the application of the law as it now stood; but would those Amendments answer the purpose of removing that difficulty? In his opinion, the Amendments of the hon. Member for Salford and of the hon. Member for the West Riding (Mr. F. S. Powell) did not even touch the case, and would create a great deal of confusion and difficulty in the application of the present law. There was no doubt great difficulty in drawing a line of demarcation between fixed machinery which was rateable, and machinery which was not fixed and which was not rateable. The difficulty was one, however, which could not be settled by the present Bill. Moreover, he contended that it was an entire mistake in conjunction with this Bill to endeavour to supply a clearer definition. They had declared that Sunday and ragged schools should be exempted from rating, but they had not attempted to define a ragged school, and he was informed that the question as to what constituted a ragged school had been made the subject of a contest in a Court of Law. The Amendment of the hon. Member for Salford assumed that stock-in-trade was exempted because it was a proper subject for exemption. That was not the ground of its exemption. The

*Mr. Staveley Hill*

Government had exempted stock-in-trade, because it was impossible to catch it; and if the Amendment touched a description of machinery which it was possible to catch—and it had been proved that it was possible to catch it, because it was already rated—in what sense could they contend that it ought now to be exempted? That being so, the Government would give to the Amendment the most decided opposition.

MR. PEASE pointed out several anomalies which existed in the present system of rating, and said they must be dealt with by the Government sooner or later, and he thought the sooner they were dealt with the better it would be.

MR. SCOURFIELD said, he was strongly in favour some days ago of sending the Bill to a Select Committee, and what was now happening convinced him, that that course ought to have been adopted. Points such as those which had been recently raised were not of a nature to be decided by a Committee of the Whole House.

MR. HENLEY said, it would be a fortunate thing for everybody but the members of the legal profession if the clause and all the Amendments were got rid of together. The Judges had lately been paying Parliament very handsome compliments for the manner in which they carried on the work of legislation, and it seemed to him that that clause would form another blessed example. In his opinion, they could have gone on quite well with an annual Continuance Bill, and then this question would not have arisen. He certainly should decline to vote for either of the Amendments, because he believed that if they were adopted, they would only make confusion worse confounded.

MR. HENDERSON said, assessment committees appeared to act on the principle that all machinery was rateable, and urged that it would be well if a remedy were provided for the evils of the system.

Question, "That those words be there inserted," put, and *agreed to*.

Question put, "That the words

'and in the case of any mill or manufactory or building erected or used for any such purpose, all machines and machinery other than that by means of which motive power is generated or transmitted, shall be deemed to be stock

in trade and included in the provisions of the said Act,'

be added at the end of Clause 13."

The Committee *divided*.—Ayes 77; Noes 227: Majority 150.

MR. PELL said, that as he understood there was to be no passage through Temple Bar after half-past 8 o'clock, and as his hon. Friend behind him (Mr. Corrance), who had an Amendment on the Paper, had informed him that if he went on, he must speak for an hour, he thought the best thing he could do would be to move that they report Progress.

Motion made, and Question proposed, "That the Chairman report Progress."  
—(Mr. Pell.)

MR. GLADSTONE trusted the hon. Gentleman would not persevere with his Motion, because the Committee had at present a very good and sufficient attendance of hon. Members. If the number should be much reduced, the Government would consent to report Progress.

Question put, and *negatived*.

SIR GEORGE JENKINSON moved, as an Amendment, in line 13, after "perpetual," to insert—"in so far as it applies to stock in trade only, but not to any other description of property." Its object was to limit the perpetual exemption from rating to stock in trade, and not extend it to other descriptions of personal property.

MR. STANSFELD said, he had looked carefully into the Acts, and could not accept the Amendment, which would have a different operation from that which the hon. Baronet intended. The House had already decided not to render personalty or the general ability of parishioners liable to rating; and it was not desirable to go back to this already decided question.

MR. LOPES said, the Amendment would impose a liability to rating upon every description of personalty other than stock in trade. He could not therefore support the Amendment.

SIR GEORGE JENKINSON did not want the Committee to say affirmatively that any kind of personalty should be subject to rating, but only to say that the rating of personalty other than stock in trade should not be perpetual.

LORD JOHN MANNERS said, the Amendment, if carried, would necessi-

tate the passing of an annual Bill for the exemption of all personalty except stock in trade.

Amendment, by leave, *withdrawn*.

MR. CORRANCE, in rising, according to Notice, to leave out the clause altogether, said, he believed it to be vexatious to certain classes and unnecessary. By the Bill, law and custom were strained in order to bring things into taxation that had always been exempted. The question must become a class question at the ensuing Elections, and he urged on the Government to let it stand over until the right hon. Gentleman was prepared to introduce a general measure on the subject.

MR. STANSFELD defended the clause, which was necessary to prevent the absurdity of an annual Bill dealing with exemptions.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 128; Noes 77: Majority 51.

Committee report Progress; to sit again upon *Monday* next.

House adjourned at half after Five o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, 23rd June, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3) \* (166); Tithe Commutation Acts Amendment \* (171).

Committee — *Report* — Metropolitan Commons Supplemental \* (110); Local Government Provisional Orders (No. 5) \* (154).

*Third Reading*—Sites for Places of Religious Worship (159); Elementary Education Provisional Order Confirmation (Nos. 4, 5, and 6) \* (136, 154, 157); Grand Jury Presentments (Ireland) \* (158), and *passed*.

*Withdrawn*—Children's Employment in Dangerous Performances (162).

## ARMY—HALF-PAY OFFICERS—"THE ARMY LIST."

### QUESTION. ORDER.

THE EARL OF ALBEMARLE desired to ask the Under Secretary for War a Question of which he had given him private Notice—namely, Why the Gene-

ral Officers on half-pay of their regimental commissions had been displaced from their usual position in *The Army List*, and placed among officers of greatly inferior rank. It happened that he was one of the unfortunate persons so treated; and he at first supposed himself somehow, without sentence of court-martial, cashiered; but, after looking vainly through 747 columns of officers' names, he came to a retired Lieutenant of Marines, and on the following page found the names of himself and officers of much greater merit. Half the half-pay officers were mentioned in the natural place, and he was at a loss to know why the alteration had been made?

THE DUKE OF RICHMOND rose to Order. Although he was very unwilling to interpose between the noble Earl and the House, still he could not help venturing to remind the noble Earl that it was an understanding between the two sides of the House—and a very good and useful understanding—that no matter of importance should be brought forward without public Notice given, except in cases of great emergency. The question to which the noble Earl had commenced to allude was one of importance, but it was not one of sufficient emergency to require the dispensation of the usual Notice. Many of their Lordships would probably like to say something on the subject, and it was only right that they should get notice of its introduction. He confessed that he was one of those who would like to have the opportunity of discussing this and similar proceedings of an unprecedented character, which had been the result of recent arrangements of the War Department.

THE MARQUESS OF RIPON said, he concurred with the noble Duke who had just spoken in thinking the matter one of importance, and that the most convenient course would be to give proper Notice of the Question.

THE EARL OF ALBEMARLE was altogether in the hands of the House. If the noble Duke or any other of their Lordships with less nervousness than himself would make a substantial Motion respecting the subject on the Paper it would receive his support. But he might, perhaps, be allowed to just remark—

EARL STANHOPE: I desire to appeal to your Lordships on behalf of the rule which we all have from time to time

*Lord John Manners*

found so convenient. It is of great importance to both sides of the House that this rule should not be departed from except in cases of great urgency. I remember that on one occasion many of your Lordships were deprived of an opportunity of joining in an important question in connection with the Alabama Claims merely because there was only a private Notice given, and the Peers in general had no idea of the intended object when the Mover rose.

THE MARQUESS OF LANSDOWNE concurred in all that had been said in support of the rule of the House which required Notice to be given of all Questions:—but as private Notice had been given to him, and the inquiry had been made, he thought he might as well reply to it at once. The reason why the names referred to had been removed from the place they had hitherto occupied in *The Army List* was this—When *The Army List* was revised it was thought desirable to keep the effective and the non-effective portions of the Army separate, and in the new arrangement the General Officers on half-pay were placed at the head of the list of Non-Effective Officers. This arrangement was adopted on the authority of the Secretary of State for War and with the concurrence of His Royal Highness the Commander-in-Chief.

#### SITES FOR PLACES OF RELIGIOUS WORSHIP BILL—(No. 159.)

(*The Lord Romilly.*)

THIRD READING. BILL PASSED.

Bill read 3<sup>d</sup> (according to Order) with the Amendments.

THE MARQUESS OF SALISBURY moved Amendments by which “burial places” and sites for parsonages disconnected from churches were included among the purposes for which land might be conveyed.

Clause 6, which declares the Act not to extend to Scotland or Ireland.

THE MARQUESS OF SALISBURY moved to omit the words “or Ireland.”

LORD HATHERLEY (for Lord Romilly) assented to all the Amendments except this which proposed that the Bill should extend to Ireland. That was an entirely new proposition, and to bring it forward now on the last stage of the measure was not judicious. Besides, it was not known that this Bill would be

acceptable to the people of Ireland. He believed that this Amendment would endanger the passage of the Bill.

THE MARQUESS OF SALISBURY said, he did not wish to press this Amendment in opposition to the noble and learned Lord, although he did not see that there would be any objection or difficulty in applying the Bill to Ireland.

Amendment *withdrawn*.

Other Amendments *agreed to*.

Bill *passed*, and sent to the Commons.

#### CHILDREN'S EMPLOYMENT IN DANGEROUS PERFORMANCES BILL.

(*The Lord Buckhurst.*)

(NO. 162.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD BUCKHURST, in moving that the Bill be now read the second time, said, that last Session he introduced a Bill similar to the present, and it was read a second time. He was afterwards induced to withdraw it, partly because the lateness of the Session afforded but little chance of its being considered and passed by the other House but chiefly on the representation of noble Lords that as drawn it might have the effect of interfering with athletic and gymnastic exercises generally. In order to avoid that difficulty the present Bill had been so framed as to be applicable, as far as could be secured, only to children under 12 years of age, and to the employment of such children in any muscular exercise or any performance practised or given by way of trade or for the purpose of gain, whereby limb or life or health of such child might be endangered or injuriously affected. In various parts of the country, as well as in the metropolis, young persons and very young children were constantly employed in performances which exposed their lives to considerable danger. The noble Earl read newspaper reports of some of these performances. One described a performance which had taken place in a music-hall in the Metropolis, where a child about six years of age performed various feats with astonishing coolness and striking neatness and quickness, on a trapeze, suspended from the ceiling, at what most people would call a dizzy height. The little fellow also went through a ceiling-

walking performance, which consisted of going forwards and backwards, head downwards, by placing his feet successively in loops. Of course, the report added, he was enthusiastically cheered by the spectators. At Edinburgh there was "one of the most startling performances by a troupe of acrobats ever witnessed;" and at another place the performer rode on a bicycle along a wire rope suspended high in the air. Entertainments such as these were not prohibited by present legislation, notwithstanding the great danger which attended them. He thought the sooner they were prohibited the better, in the interest of morality and the public taste. He did not desire in any way to interfere with legitimate athletic and gymnastic exercises, but he thought these exhibitions by adult performers tended to degrade the public sense. What then must be the case when they were exhibited by young boys and girls? He knew he should be met by the objection that unless the training commenced at a very early age, children could not perform such feats. If so, he said they ought not to be allowed at all. Training commenced almost as soon as the child was born—its limbs were subjected to the most hideous contortions; and even if these tortures were not followed by death, they must be very injurious to the health of those who were subjected to them.

*Moved, "That the Bill be now read 2."*  
—(*The Lord Buckhurst.*)

THE EARL OF KIMBERLEY thought there was a fatal objection to the third clause, which was the really operative clause of the Bill. In his part of the country children were frequently employed in cutting turnips, a "muscular exercise" to which their Lordships would probably see no objection, but which was attended with the danger of cutting their fingers; and under some circumstances almost any "muscular exercise" might be dangerous to limb or health. A Bill therefore which prohibited "muscular exercise" in such general terms was likely to produce inconvenient results.

THE EARL OF SHAFTESBURY said, he was fully sensible of the desirability of a measure of this kind, but he was also sensible of the difficulty of so defining the Bill as to make it effective. It was very right to prohibit the performances of children under 12 years

of age because they were dangerous to life and limb; but to say that they should not be permitted to perform in public under that age was no real protection to them, because it did not prohibit the training of children under that age with a view to future performances. The fact was that all the horrors connected with acrobatic life were enacted when the children were of very tender years—often at two or three years. These infants were tied and twisted in every imaginable contortion, and so kept for many hours in order that their limbs might acquire the particular curvatures that might be necessary for some peculiar kind of acrobatic performance. But this Bill would not touch tortures of that description, inasmuch as all these abominations were perpetrated at home and under the secrecy of privacy. What he desired was that their Lordships should read the Bill a second time by way of recognition of the abuses that existed and expressive of their feelings of the expediency of suppressing them, but for his own part he looked for the real remedy for the evil in the vigilance of the School Boards and in looking up children of tender years and putting in force the compulsory powers of the Act in compelling them to attend the schools.

LORD DE ROS fully agreed that something should be done to put a stop to this barbarous system, but he thought it would be sufficient to pass a Bill which would be confined to professional gymnasts.

THE EARL OF MALMESBURY said, that School Boards would have no authority over children so young as those mentioned—two and three years, this being, to his own knowledge, the age at which they were trained as acrobats by a process which could not but inflict personal injury. The remedy lay in the prohibition of these performances. If children were not allowed to perform in public their parents would not think it worth while to train them.

THE MARQUESS OF BATH said, the employment of children in pantomimes up to a late hour might be deemed prejudicial to health, a phrase which would also apply to children eating plums. The law as to acrobatic performances might be made more stringent.

THE EARL OF HARROWBY, speaking from his experience as a magistrate, agreed that legislation on this subject

*Lord Buckhurst*

must begin at the beginning in an attack on the training of these poor children.

EARL GRANVILLE said, there ought to be an adequate definition of the performances sought to be condemned before a Bill of this kind passed. As it then stood, it would not deal with the private training of children for public exhibition. He therefore put it to the noble Earl whether it would not be better to withdraw this Bill and attempt to obviate the objections to it in a new measure.

LORD BUCKHURST said, he strongly desired that the principle of the Bill should be affirmed by the second reading. The objections to the Bill—which were principally to the third clause—could be amended in Committee, if the Bill went any further.

THE DUKE OF RICHMOND deprecated the second reading of a Bill which was so unsatisfactory in its terms. He thought it would be far better for the noble Earl to withdraw the Bill altogether, seeing there was no chance of passing it this Session, though noble Lords were all agreed as to the desirableness of putting an end to these dangerous performances.

LORD BUCKHURST finally consented to withdraw the Bill.

Motion (by leave of the House) *withdrawn*.

Bill *withdrawn*.

#### SPAIN—RELEASE OF THE "MURILLO."

##### MOTION FOR PAPERS.

THE EARL OF CARNARVON inquired whether it is true that, by the decision of the Court at Cadiz, the Spanish steamship "*Murillo*" has been pronounced free of condemnation, the crew released, and the master deprived of his certificate for only twelve months? and moved for Correspondence between Her Majesty's Government and the Spanish Authorities on the subject. The noble Earl said, that he did not propose to go fully into the matter, since he understood from the Foreign Office that there would be no objection to produce the Papers asked for. He would detain their Lordships only for a few moments, to remind them of the principal facts of the case. During last winter the emigrant ship *Northfleet* was riding at anchor off Dungeness, in a perfectly still and calm night, when

she was run down by a steam ship, which whilst she was sinking steamed away and left her to sink with 300 lives on board. Enquiries ensued and shortly afterwards a vessel named the *Murillo* arrived at Cadiz, with all the evidence of guilt which under such circumstances could be reasonably expected upon her. She was put under embargo, and now after nearly four months of idle formalities it was reported that the master and ship were virtually absolved, and immunity accorded to a most barbarous and disgraceful act. Some time since he had called the attention of Her Majesty's Government to the circumstances, and he now asked if it was true that the vessel had been released, the crew set free, and the master punished with a years suspension of his certificate? In all the annals of maritime disaster he knew no parallel to it in the case of a ship, fulfilling all the conditions required of her, being run into by another ship, which then escaped with the obvious intention of evading the payment of damages, and if that vessel was the *Murillo* the decision was one of the most monstrous ever pronounced. He moved for Correspondence between the Government and the Spanish authorities on the subject.

*Moved* that an humble Address be presented to Her Majesty for, Copy of Correspondence between Her Majesty's Government and the Spanish Authorities with respect to the Spanish steamship "*Murillo*."—(*The Earl of Carnarvon*.)

EARL GRANVILLE said, the Government had received a telegram from Mr. Reade, the British Consul at Cadiz, to the effect that it was reported the Court of Inquiry had come to a decision, though the authorities had not officially communicated it to him, on the ground that the judgment had not yet been confirmed. The report was that the Court held that there was not sufficient evidence that the *Murillo* came in contact with the *Northfleet*, and that the ship had been since freed and the crew liberated, the master's certificate being suspended for his not having paid sufficient attention to the ship with which the *Murillo* had come into collision. It was, of course, not for him to explain or defend this verdict. He had no objection to produce the Correspondence as far as it had yet gone; and was glad to know that neither Mr. Layard nor Mr. Reade was respon-

sible for anything unsatisfactory that had occurred.

THE EARL OF CARNARVON hoped that the Correspondence would be laid upon the Table so that it might be properly considered before the close of the Session.

*Motion agreed to.*

House adjourned at a quarter past Six o'clock, 'till to-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 23rd June, 1873.*

MINUTES.]—SUPPLY—considered in Committee—ARMY ESTIMATES.

PUBLIC BILLS—Resolution in Committee—Highland School Fund [Consolidated Fund]\*; Public Works Commissioners [Loans to School Boards and Sanitary Authorities]\*; Consolidated Fund [Redemption of Charges]\*.

Ordered—First Reading—National Debt Commissioners (Annuities)\* [201]; General Police and Improvement (Scotland) Acts Amendment\* [200].

Second Reading—Court of Queen's Bench (Ireland) (Grand Juries)\* [198].

Committee—Report—Petitions of Right (Ireland)\* [189].

### EAST AFRICAN SLAVE TRADE— TREATY WITH THE SULTAN OF ZANZIBAR.—QUESTION.

MR. GILPIN (for Mr. KINNAIRD) asked the Under Secretary of State for Foreign Affairs, Whether a Treaty reported to have been received and signed by the Sultan of Zanzibar on the subject of the East African Slave Trade, is the Treaty offered to the Sultan under instruction from the Foreign Office by Sir Bartle Frere, or whether it differs in any important particular from that Treaty?

VISCOUNT ENFIELD: Sir, no Copy of the Treaty as signed has yet been received at the Foreign Office; but Dr. Kirk reports that it contains a stipulation, of which he was directed to obtain the insertion, with a view of making the Treaty as originally presented to the Sultan of Zanzibar by Sir Bartle Frere more effectual for the object for which it was concluded.

*Earl Granville*

### ARMY—THE DUKE OF YORK'S SCHOOL. QUESTION.

SIR CHARLES DILKE asked the Secretary of State for War, Whether there is any foundation for a statement that has recently been made by some newspapers, that Her Majesty's Government are considering a project for removing the Duke of York's School to the country, and converting the buildings into barracks for Cavalry and Artillery?

MR. CARDWELL: Sir, it has long been in contemplation to remove the barracks from Knightsbridge, and various places have been proposed to which they might be removed. The Royal Commission on Military Education recommended the removal into the country of the Duke of York's School, and that has given rise to a suggestion that the site might be made available for the purpose in question; but no plan of the kind has been adopted by the Government.

### POST OFFICE—GENERAL POST OFFICE, EDINBURGH—SALARIES.—QUESTION.

MR. MILLER asked the Postmaster General, If he will explain to the House why the clerks and other officials in the General Post Office, Edinburgh, have not had their remuneration increased as has been done in the case of the officials in the Post Offices at Glasgow and Dundee; and, seeing that the Secretary of the General Post Office at Edinburgh is performing the duty of Inspector of the Southern district of Scotland, so that the duties of Secretary have in part, if not all, to be performed by a clerk, whether it is the intention of the Postmaster General to appoint an Inspector of the Southern district, so as to relieve the Secretary of that duty, and admit of his full attention being given to his special duties as Secretary?

MR. MONSELL: A report, Sir, is about to be made to the Treasury with respect to the wages of persons in the Edinburgh Post Office who correspond to those employed at Glasgow and Dundee; but I am not prepared to recommend a general increase of salary throughout the establishment. As the present system works satisfactorily, it is not my intention to appoint an Inspector for the Southern District of Scotland.

**BRAZIL—CLAIMS OF BRITISH SUBJECTS—QUESTION.**

VISCOUNT SANDON asked the Under Secretary of State for Foreign Affairs, Whether any progress is being made in the settlement of the claims of British subjects upon the Brazilian Government.

VISCOUNT ENFIELD: Sir, the latest Reports from Rio do not, I regret to say, hold out very favourable prospects of an early settlement of the claims of British subjects upon the Brazilian Government. By the last mail, Mr. Mathew, Her Majesty's Representative at Rio, has been instructed to continue to press for a speedy settlement of these claims.

**ELEMENTARY EDUCATION ACT—  
SCHOOL ACCOMMODATION.**

**QUESTIONS.**

MR. SCOURFIELD asked the Vice President of the Committee of Council on Education, If the amount of increased accommodation demanded in Elementary Schools where greatly in excess of the number of children who can be expected to attend, even when compulsory bye-laws could be enforced, especially in parishes where the population according to the Return of the late Census is declining, is in accordance with the provisions of the Elementary Education Act?

MR. W. E. FORSTER in reply, said, that nothing could be more clear than the provisions of the Education Act—that school accommodation should be provided in every district for the children in that district. It was the duty of the Department to ascertain what was the accommodation required, and in doing that the circumstances of each district must be taken into account. The Act provided means by which any district which thought a wrong decision had been arrived at, might appeal against such a decision and demand public inquiry; no such inquiry, however, so far as he knew, had yet been demanded. There were two cases mentioned by his hon. Friend. One was, the case of the number of children who could be expected to attend even when compulsory bye-laws could be enforced. That he could hardly answer definitely, unless he knew what kind of expectations might be entertained. The second case was, that in which there was a decline of the popu-

lation. That was a point which the Education Department had taken into account, as well as the opposite one—where an increase might be reasonably expected.

MR. SCOURFIELD: When a public inquiry is demanded have the party asking for the inquiry to pay the expenses?

MR. W. E. FORSTER: I have not got the Act by me. I believe there is a provision on the subject.

**PARLIAMENT—PUBLIC BUSINESS—  
GENERAL VALUATION (IRELAND)  
BILL.**

MR. VANCE said, that it would be inconvenient to Irish Members if this Bill were put down for to-morrow.

COLONEL STUART KNOX said, that important business relating to England, which had been fixed for to-morrow, had been adjourned to a subsequent day, and he objected to business which was deeply interesting to Irish Members being fixed for to-morrow.

MR. GLADSTONE said, if the hon. and gallant Gentleman would attend the sitting to-morrow, he would find that business of great importance both to England and Ireland was fixed for to-morrow—namely, the Canadian Loan Guarantee Bill.

**POST OFFICE—MAIL CONTRACTS—  
CAPE OF GOOD HOPE AND ZANZIBAR.  
QUESTION.**

In reply to Lord JOHN MANNERS,

MR. GLADSTONE said, he did not intend to propose that the Orders of the Day should be postponed to allow the Motion of which Notice had been given by the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) to be brought on, for the appointment of a Committee of Inquiry with reference to this subject. As no Notice had been given of any opposition to the right hon. Gentleman's Motion, he had been under the impression that no objection would be offered to the names intended to be proposed by his right hon. Friend. If objection were taken to those names, of course the subject would not be brought on at a very late hour.



## SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

£389,000, Control Establishments, Wages, &amp;c.

MAJOR ARBUTHNOT said, that considering that to be one of the most if not the most important Vote in the whole of the Army Estimates, he wished to make it the subject of a few remarks. They should be brief, as he feared to do more would be a mere waste of time, as the right hon. Gentleman at the head of the War Office did not appear inclined to make any alteration in the department, about which so many complaints were made, nor did he seem disposed to allow the country to know what was its precise working. He (Major Arbuthnot) felt it his duty to protest on this and every other occasion against things being allowed to remain in their present unsatisfactory condition. Two years ago, he gave Notice of a Resolution on the subject. At that time, preparations were in progress for the Autumn Manœuvres of 1871, and he determined not to move in the matter at the time, as he wished to give the Department the fairest possible trial, and that determination had met with general approval, the principal organs of the Press admitting that he had hit upon a branch of the military service which was a weak point in that service, for which the Government was responsible. Indeed, *The Times* newspaper in an article dealing with military questions, at the close of the Session expressed its approval of the course he took, adding, that "the postponement of his Motion would afford reasonable time for the mature deliberation of the Government, and at the same time enable the subject to be thoroughly discussed." How had that been fulfilled? The Government might have maturely considered the question, but they had made no changes, and there certainly had been no discussion on the subject. Last year, when he made a Motion for inquiry, and notwithstanding the difficulties which were in his way, owing to the late period at which he was enabled to come on, he was told by some of his Friends who heard him that he had made out an unanswerable case; but, however that might be, it certainly had not been answered. The right hon.

Gentleman the Surveyor General of the Ordnance made some observations, to the effect that the Control department was formed on the recommendation of Lord Strathnairn's Committee. In reply he would only say, that he had Lord Strathnairn's personal assurance that his reason for objecting so much to the Control department was, because it violated what he considered vital principles laid down by the Committee over which he presided. Then the right hon. Gentleman supported the principle of interchangeability among subordinates; in fact, he openly and avowedly advocated the theory that one day a Control officer might have charge of bread and beef, at another time of complicated military stores, and at another time have under him men and horses and be administering military law and discipline. If that principle were acted on we need hardly seek further for a sufficient cause of total inefficiency. The right hon. Gentleman also said that General Officers had reported favourably of the system. Now, he had never yet found a general officer who praised the Control department as it at present existed, and he did not know that he had ever heard one defend it. After a debate on this subject, also in "another place," he did not think the right hon. Gentleman could fall back upon the reports of General Officers for the defence of the department, for the Government had refused to produce the reports of the General Officers respecting it at the Manœuvres, on the ground that they would produce bad blood. The illustrious Duke who made that statement added that not a word could be said against individuals; and he (Major Arbuthnot) was ready to endorse that statement, because from all quarters it appeared that the Control officers had worked with the greatest zeal and energy. What then could have been the tenor of their reports except a condemnation of the system. There were two points on which he wished to say a few words, because they involved great questions of principle. Those points were, the absence of any reserve or any system for the expansion of the Control department, especially the transport, and the non-existence of any system of utilizing local resources. To prove the first point, he need only refer to the Returns which had been recently circu-

lated, which showed that after having brought in detachments from every part of England and Ireland, and after calling on the Artillery to perform the duties which ordinarily devolved upon the Control at Aldershot, Dublin, and all the principal garrisons, they were able to place in the field only 680 Control horses and 714 Control drivers, whilst the combatant branches furnished 641 horses for transport purposes, and 748 drivers. Besides those, there were 273 hired horses and 187 hired drivers, and 2,030 horses were bought and subsequently sold. That showed that after several months' preparation, the transport service was equal to moving only about one-half of the Army placed in the field for the campaign, or in other words; a force of something like 15,000 men, and even then, it must be remembered, too, that not more than one-half the duties which would devolve upon the department during war had to be performed during the Manœuvres. The supply of the munitions of war did not enter into the question at all, and, as regarded the supply of food even to the Army, the strain upon the department was not very great. Much of the work that would devolve on this department in war was performed by contractors, while the regiments were, to a large extent, supplied with food by means of the canteens, and most of the officers provided themselves privately. These facts led him to believe that these Manœuvres, if they were intended to be a rehearsal of what would be done in time of war, or to test the capability of the transport department, showed that that department fell very far short of the mark, and that the expenditure was almost an unnecessary one. It was absurd to suppose that in time of war we could break up the artillery dépôt, the only means, miserable as it was, of expanding our field artillery we possessed; nor could we take men and horses from our attenuated regiments, and battalions for that purpose. The system now pursued was merely robbing Peter to pay Paul. It was a policy of makeshifts which General Trochu had denounced before the Franco-German War, and which probably accounted for much of the disorganization then existing in the French Army. Then, as to the question of the utilization of local resources, he was of opinion that in a

sound system of transport and supply the resources of every district of the country, as regarded food and the means of transport, should be so well-known and organized that they could be utilized at the shortest notice. That was not the case at the Autumn Manœuvres. With regard to the contracts for rice, flour, bran, hay, and other articles, the prices, to him, were unaccountable when compared with the current prices in the metropolis and many of the principal towns throughout the country. [The hon. Member here quoted from a recent Parliamentary Return.] It would be interesting to know on what principle and by whom these contracts were made. There was one other matter upon which he wanted some explanation. Not long ago a battery of artillery, quartered at Sheffield, and having 12-pounder guns, was to be supplied with 16-pounder equipment, and received orders to march to Hilsea. The Control department was communicated with, and arrangements were entered into for the transport of the guns. Notwithstanding that the battery had to pass near Woolwich, the 16-pounder guns were sent down, and the 12-pounders brought back, and the battery horses, many of them four-year olds had to draw the far heavier equipment the whole way from Sheffield to Hilsea. It might be said that this was owing to some mistake of an individual, but it showed that there was something faulty and wrong in the system. The first step to its improvement would be to institute an impartial inquiry into the existing state of things, and he warned the right hon. Gentleman the Secretary for War, and the Surveyor General, that if, as was sometimes said, the existence of the present Government was coeval with the existence of the Parliament, they would not find it pleasant, sitting in Opposition, to see all the faults and imperfections which if they were not now endeavouring to screen, they were at least wilfully shutting their eyes to, ruthlessly and mercilessly exposed by a searching inquiry.

Mr. WHITWELL said that, so far as his observation went, he was bound to say that the Control department was progressing in the right direction. Last year he called attention to certain defects which, in his opinion, existed in the department, and it was only right to say that during a consider-

able encampment of Militia which had since taken place in his own county, those defects entirely disappeared, and the labours and operations of the department were attended with the utmost success. Moreover, had the hon. and gallant Officer seen what was done on Saturday last at Woolwich he would have had no cause of complaint. For his own part, he believed there was no department in the Army whose service was more entitled to praise than the Control and the system of transport now established.

MR. O'REILLY said, he had taken some interest in that subject, and moved for certain Returns to show how the system worked, but they had never been furnished. They must all know that, although the movement of troops was directed from the Horse Guards or some high military authority, the carrying out of the system lay with those whose efficiency was often of a very questionable character. In this case the Horse Guards and not the Control department were responsible.

LORD EUSTACE CECIL said, they had had plenty of Reports from general officers, but they had never yet had a Report from an officer in command of a marching regiment. Now, he had received a letter from an officer of a marching regiment in the late Manœuvres, in which the writer stated that the Control had broken down more than once; that the meat became tainted, and that the hired transport broke down upon the march. He also described the system as imposing too much work on the men, more than they were able to perform with justice to themselves or the service, and they were often compelled to remain without their dinner until 8 or 9 o'clock at night, and then dine on the worst possible fare.

LORD ELCHO believed with his noble Friend the Member for West Essex (Lord Eustace Cecil), that more duties were imposed on the men in the Control department than they could perform, and that was a practice which he trusted his right hon. Friend would put an end to as soon as possible. That was the cause of the disasters which befell the French Army in the Franco-German War. Moreover, as our Control system did not rest upon the precedents of France, Prussia, or Russia, nor upon the recommendation of Lord Strathnairn's Com-

mittee, he regarded it as tentative and experimental. The Report of His Royal Highness the Field Marshal Commanding-in-Chief, upon the Autumn Manœuvres showed an improvement this year over last; but it was said that the Report published was not that which His Royal Highness first wrote, but an amended Report; and it was also said that Reports of the Generals in command were not favourable to the Control Department, showing its serious shortcomings. The production of those Reports had been refused. Parliament should insist upon seeing these Reports, as upon the proper working of this important department the House ought to be supplied with every information as soon as possible, and the best time to furnish it was not during a war, but in time of peace.

SIR HENRY STORKS said, he would touch on one or two points which had been referred to in the course of the discussion. His hon. and gallant Friend had talked of the number of Control officers at the Autumn Manœuvres; but he should recollect that we had those Manœuvres for the purpose of instruction, and of giving officers an opportunity of seeing what practice in the field was. Then as to horses. He (Sir Henry Storks) had said the other night that cavalry was a mere question of expense. If the House wished to vote a large number of horses and men, as a military man he might be glad to see it; but that, in his opinion, would be a great mistake, and what we should aim at, was having such a nucleus of a force of instructed men as would be capable of easy expansion. As to local resources, there was the most accurate knowledge on the part of the department. They knew everything connected with the railways and their plant, and he did not hesitate to say that if it were required to send a force from one end of England to the other it could be done at the shortest notice. Moreover, in a great emergency, power had been given by Parliament to take the railways and employ them in the service of the State. As to the supply of food during the Autumn Manœuvres, looking at the weather, the distance, and the difficulties, he thought the service was, on the whole, admirably conducted. His noble Friend the Member for West Essex (Lord Eustace Cecil) read a letter from a regimental officer, complaining

*Mr. Whitwell*

that the men had been kept for a long time without their dinners, and that the meat arrived late. But he would ask his noble Friend, who knew something about those things, whether he thought it right to come down to the House and read the letter merely of an individual officer in a regiment bringing such a charge against a department? With regard to contracts, there was a variation in prices no doubt, and such a variation there must be, and anyone who read the headings would find that prices varied according to the places of delivery. If a contractor had to deliver hay, flour, or other things at different places, he would require a higher or lower price according to the distance. He believed, however, the contracts were made with the greatest regard to economy, after the fullest examination, and with the utmost desire to do justice to the country. With respect to the constitution of the Control department, the object was to consolidate antagonistic departments, and to define duties and to fix responsibilities. No matter how many officers you might have employed, you must still have a superior officer in the field to whom all stores must be addressed, for without that you could have no security. He could assure his hon. and gallant Friend that there was no one who appreciated his remarks better than he did, or who was more willing to give them due weight than he was.

COLONEL BARTELOT said, he concurred in the remark of his hon. and gallant Friend the Member for the City of Hereford (Major Arbuthnot), that the Vote was a very important one, for, having regard to an army in the field, there was no doubt the Control department deserved the most serious consideration. He was not one of those who would ask that the confidential Reports of general officers should be laid on the Table of the House; but when his right hon. Friend opposite (the Surveyor General of Ordnance) found fault with his noble Friend the Member for West Essex (Lord Eustace Cecil) for reading the letter of an individual officer, and sheltered himself behind the Reports of general officers, he would ask that, if the substance of these Reports should not be laid on the Table, it should at least be stated by his right hon. Friend. Nothing would give more confidence or more satisfaction to the public, than

that the right hon. Gentleman should get up and state that, if the Reports of the general officers were confidential, those officers were of opinion that the Control department was as satisfactory as we had a right to expect or as they wished. It must be remembered that we could not make requisitions in this country, as could be done in Prussia. The Prussian system would not be tolerated here for one moment. The two things were not to be mentioned in the same day. Therefore, we must on that account make great allowance for the Control department. If the Reports of the general officers were favourable, he hoped the right hon. Gentleman would get up and say so.

MR. CARDWELL said, he must put it to the Committee whether what was now asked of him was not most extraordinary. Either a document ought to be produced or it ought not. If a document ought not to be produced nothing should be said of it. His Royal Highness, after full consideration, on a review of all the Autumn Manœuvres, had placed the results of those Papers before the House in the form which he had decided.

LORD EUSTACE CECIL said, he had certainly not given the name of the officer whose letter he had mentioned, for it also was a confidential communication; but he should be happy, with his permission, to give his name when the right hon. Gentleman produced the Reports of the general officers.

LORD ELCHO said, he objected to the title of Controller as an ill-chosen one. He would have called the controllers purveyors, and thought they should be placed under the officer in command. Whatever might be thought of the department, however, he could not allow the opportunity to pass without offering one word of praise to his right hon. Friend the Surveyor General of Ordnance. Every one who had the pleasure of seeing that most magnificent review on Woolwich Common on Saturday must agree that the service of the Control department was most efficient and satisfactory in furnishing those excellent waggons which made admirable stands; and he ventured to suggest that if they were handed over to the right hon. Gentleman the First Commissioner of Works, they would be found very useful on occasions of public meetings in the Parks.

MR. SALT thought it most important that the troops, and especially the Militia and the Volunteers, should not be exposed to greater hardships or inconvenience in the way of supplies than were absolutely unavoidable. In fact, he believed that such a course would do much to stop recruiting. There might be difficulties in furnishing supplies, but they must be overcome. That was a subject on which a civilian had a right to speak. He did not blame any one, and spoke as a complete outsider; but it appeared to him that a soldier marching a whole day should have supplied to him, or carry with him, at least one good meal.

SIR HENRY STORKS said, that extra provision had been made for the supply of the troops during the Autumn Manœuvres, each man being furnished with a bread and cheese ration. If the hon. Member would refer to the contracts he would find that there was a considerable contract for cheese at 62s. per cwt. It was an extra ration to be supplied between the early morning meal and the usual midday bread and meat ration.

MR. SALT understood that in some cases money was furnished to the troops instead of bread. It was almost impossible to get bread, and when they did get it, the money served out would not buy enough, in consequence of the exorbitant price charged.

LORD HENRY THYNNE mentioned the case of some troops who had marched very early in the morning and did not get to camp till 9.30, when the only food served out was a piece of junk, and the horses received no fodder at all till next morning. During the whole of the Manœuvres, the food supplied was very coarse, more especially the cheese, and gave great dissatisfaction to every one.

*Vote agreed to.*

(2.) £1,980,700, Provisions, Forage, &c.

MR. O'REILLY pointed out, that while in all other cases, officers of the same relative rank received the same relative allowances, chaplains of the Forces did not receive the same allowances as other officers with whom they ranked.

SIR HENRY STORKS said, that the matter was now under consideration.

MR. MELLOR asked whether attention had been directed to the excess of

expenditure for transport occasioned by railway companies charging soldiers more than other passengers. He was told that a soldier on furlough was charged 7s. 10d. for travelling from Manchester to Dublin; while any other person could travel the same distance for 7s. 2d.

SIR HENRY STORKS said, the department had been in communication with the railway companies on the subject of transport, and he was sorry to say that no satisfactory result had been arrived at. On certain occasions deductions were allowed, as they would be by the South Western Company on account of soldiers going to Windsor on Tuesday. The department avoided as much as possible sending soldiers by railway. Marching, when that was practicable, was good for the men, if only the difficulties of billeting could be overcome. In one instance an exchange of troops at Dublin had been effected by employing one of Her Majesty's troop-ships, and the saving on the whole transaction was £1,600.

COLONEL NORTH also drew attention to the allegation just made that even a soldier on furlough was charged 8d. in excess of the ordinary fare.

MR. CARDWELL said, that a soldier on furlough ought to travel on the same terms as a private individual, and, if he were not allowed to do so, it could only be hoped that the new regulations which the House was passing would remedy the grievance.

MR. WHITWELL complained of the insufficiency of the allowance of 4s. to Volunteers for attending battalion drills. He hoped that some better arrangements than those that existed at present would be made for the purpose of bringing Volunteers to the military centres.

MR. CARDWELL said, that the allowance had been increased some time ago to 5s., and he believed on the average it was sufficient.

MAJOR ARBUTHNOT urged a complaint as to the withdrawal of forage allowance from Artillery field officers. Calling attention to the fact that many officers who had been receipt of forage allowance for years—in one case as much as 17 years—on account of rank conferred on them for service in the field, were now deprived of it on being made substantive majors. He did not believe so glaring an injustice could

have been brought under the Secretary of State's own eye.

SIR HENRY STORKS said, that the allowance which had been withdrawn was an irregularity which had escaped detection for a length of time. The complaint should, however, receive his careful attention.

MR. WHARTON said, the allowances to permanent Staff sergeants of Militia in lieu of food, fuel, and clothing were fixed some years ago, when food and fuel were much cheaper than they were now, and the consequence was that they were very insufficient.

MR. SCLATER-BOOTH hoped that something would be done to remedy the hardship of persons who had soldiers billeted upon them during the Autumn Manœuvres—because the amount of money paid at present was not sufficient to compensate them.

SIR HENRY STORKS said, that it was proposed to give an additional 3½*d.* per billet beyond the sum mentioned in the Mutiny Act, and this regulation would apply to the Manœuvres of last year, as well as to those of the present.

LORD ELCHO said, it was rumoured that horses were now being bought that were sold at the close of the last Manœuvres, and that we were, of course, paying for them the advance in the market price. Would it not be possible to save what was lost in sale and repurchase, by arranging with the farmers to keep them while they were not wanted? He wished also to ask whether the department could not introduce Australian meats, which were coming into such general use, and which he knew, from personal experience, was as good food as could be put before any one.

SIR HENRY STORKS said, that all the horses purchased by the Government were marked, so that they would not be re-purchased by them. As to Australian meats, nothing would be more difficult than to make the British soldier eat what he had not been accustomed to; and until Australian meats came into more general use he should not like to try them in the Army.

MAJOR ARBUTHNOT said, he should like a further explanation of the alleged irregularity with regard to the drawing of forage, because he had drawn it himself many years. He had always believed, and did so now, that he had drawn it on the authority of a Royal

Warrant. If the allowance were to be regulated, as suggested by the Surveyor General, by the amount of mounted duty to be done, saving might be effected in the case of certain controllers who from considerations possibly of personal safety never mounted a horse. He suggested it would be beneficial to soldiers to use salt meat once a-week, for the simple reason that as the salt ration would cost less than the fresh, the balance might be expended on peas, suet, or anything else the men preferred. He believed if that was done, the men would raise no objection, but would rather approve the variation of diet. While recommending that course for adoption, however, he would strongly urge that salt meat should only be issued to the troops when living in barracks or standing camps, and under no circumstances to those engaged in moveable camps, as was the case during the Autumn Manœuvres of 1871 and 1872. He did that for two reasons—namely, that under the latter circumstances it could not conveniently be subjected to the necessary process of being well soaked before use; and secondly, because its issue, not requiring so much foresight and exertion as fresh meat in the matter of supply, would still further limit the very slight test to which the control department had been subjected during the late military exercises.

COLONEL STUART KNOX, in pursuance of the Question put by the hon. Member below the gangway (Mr. Mellor), wished to know whether some steps could not be taken to enable the soldiers on furlough to travel by railways at the ordinary military rates, in the same manner as officers were permitted to do?

MR. CARDWELL said, that every effort had been made by the Government to obtain justice for the soldier in this respect; but the matter was in the hands of the railway companies, and not in those of the Government.

*Vote agreed to.*

(3.) £743,100, for Clothing Establishments, Services, and Supplies.

SIR HARRY VERNEY inquired why tailors in regiments were not employed to make their comrades' clothes. He was of opinion that a large proportion of the men's clothes might be made in the regiment.

SIR HENRY STORKS replied that it would be altogether impossible to carry out the proposition of the hon. Baronet as regarded the Infantry. The tailors in regiments made alterations as to the fitting of the clothing, and the Cavalry did make their own clothing.

LORD EUSTACE CECIL thought that fatigue clothes should be supplied to the men engaged in the Autumn Manœuvres, in order to prevent their best clothes from being destroyed on those occasions, as they were under the present system.

MAJOR ARBUTHNOT suggested that the surplus of the canteen fund should be applied towards purchasing the fatigue clothes referred to by the noble Lord.

MR. CARDWELL said, that any canteen fund surplus ought to go in reduction of the prices charged in the canteen, and not to the purchase of clothes.

MAJOR ARBUTHNOT said, he had always kept up the price of the beer sold in the canteen in the interest of the health of the men. It was difficult to prevent a large canteen surplus from accumulating, and equally difficult to know how to spend the surplus allowed by regulation.

LORD ELCHO drew attention to the untidy and useless leggings supplied to the soldiers; they were a perfect scandal to the British Army. Neither sportsmen nor Volunteers would think of wearing such uncomfortable articles. He hoped that leggings of some better pattern would be supplied to the Army, because it was of the utmost importance that the men's feet and legs should be comfortable when on the march.

SIR HENRY STORKS admitted that nothing could be more unsightly than the leggings, and the matter was under consideration. In reply to the suggestion of the noble Lord the Member for West Essex (Lord Eustace Cecil), he could not pledge himself to furnish the soldiers with fatigue dresses, but arrangements were in contemplation to allow the soldiers to wear their old clothes, so that that they might keep their good suit to appear in on parade.

*Vote agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £1,070,000, be granted to Her Majesty, to defray the Charge for Supply, Manufacture, and Repair of Warlike and other Stores, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."

MR. GREGORY drew attention to a new and cheaper system of rifling old cast-iron ordnance in such a way as to permit lead-coated projectiles to be used. It was well known that they had a large stock of those warlike stores that might be made available. The question was a technical one, and he felt some difficulty in speaking upon it; but, looking at the high price charged per gun, he considered the matter was one deserving the attentive consideration of the Committee. Evidence on the subject had been taken before the Select Committee on Ordnance which sat in 1863, and the tendency of that given by Colonel Lefroy, Captain Scott, and other officers, went to show that, both as regarded efficiency and safety, the Britten gun was superior to the Armstrong and the Palliser, carrying, as it did, a distance of 3½ miles, with a mean deviation of 8·9. The experiments were conducted with the powder hitherto used, which was violently explosive, and likely to increase the recoil; but, with the non-explosive pebble-powder, the experiments would probably be still more favourable to the Britten gun. Further trials should be made before incurring additional expense under the new system, and he ventured to think that a lesser sum would answer all practical purposes for the present, than the one under consideration. The hon. Gentleman concluded by moving that the Vote be reduced by the sum of £100,000.

MR. HICK seconded the Amendment, which he thought was one of great interest, and required the serious attention of the Committee. His attention was more particularly attracted to the subject by a paper of Mr. Bashley Britten, which had been brought before the Institution of Civil Engineers in April last, of which Institution he (Mr. Hick) was a member. The author of that paper grappled with the question in a most masterly manner, evincing a thorough knowledge of the whole subject, and using arguments in support of his view which he (Mr. Hick) considered unanswerable. The broad issue raised was this—could they, if the knowledge they now possessed were rightly applied, reduce the present enormous cost of their ordnance without lowering the standard of its efficiency, so that the country might be better armed, and at the same time be relieved of a heavy burden. And he thought that

now, when they had instruments which tested with accuracy not only the pressure of the powder upon the chamber of a gun, but also the velocity of the shot as it left the muzzle, there could not be any difficulty in doing so. Those instruments had been introduced into America long before we had adopted them, and by their use the manufacturer of guns would be able to measure their strength according to the pressure they would have to bear. That pressure-gauge must be to ordnance designers just as important an instrument as the analogous pressure-gauge was to the engineer who schemed a steam engine; that was to say, if an engineer had to construct a boiler, and knew what pressure it would have to bear, he could apportion its strength to the pressure; but if he were not aware of what the pressure was, all he had to do was to make it strong enough not to burst under any pressure. In one case he could, by adapting means to ends, with intelligence, construct a scientific instrument; in the other, he could only make a very clumsy machine, needlessly expensive and needlessly strong. He might point to the large boiler that could not burst, and ask you to admire the great skill with which he had made it so thick, so sound, and so perfect that nothing could burst it. If he did so, he would be only calling attention to a mere monument of his ignorance and folly. Just in the same way, if the ordnance engineer knew the pressure his gun would have to bear, he could make it of sufficient strength; but if he did not know the extent of the pressure, he had to make his gun strong enough not to burst under any pressure. Where a gun was made stronger than it was practically required to be, it was so much money thrown away. Mr. Britten therefore asked why, with the knowledge we had acquired from the use of these instruments, we should go on blundering in the dark, instead of making weapons properly designed according to that knowledge, and representing economy of science? Beyond that, the new pressure gauge had introduced a partial revolution, for it had informed them that the powder they were using was unnecessarily violent, and so strong, in fact, that it rapidly destroyed the insides of their guns, and rendered them completely unserviceable after a few rounds. The conse-

quence was that they had now introduced pebble powder largely into the service, whereas hitherto they had only used it by way of experiment. Pebble powder, as most hon. Members were aware, consisted of large grains, from  $\frac{1}{4}$  to  $\frac{3}{4}$ ths of an inch square, and was much slower in burning than ordinary powder. From a table compiled from the preliminary report of the Committee on explosives, it was found that the maximum pressure upon a gun 126 inches long, and with an 8-inch bore, when pebble powder was used, was one-half less than when the ordinary powder was used, and such powder propelled the ball with far greater velocity, it being in the one case 1,380 feet per second, as against 1,320. The pebble powder burned slower than the common powder, and although at the moment of ignition its pressure was only one-fifth that of the ordinary powder, being as six tons on the square inch to 30, yet it expanded with a greater volume when the ball advanced about six inches in the barrel, and the result was that the projectile was discharged with greater force than that effected by the more highly explosive powder; the maximum pressure of which upon the interior surface of the gun was just double that of the other. Mr. Britten therefore said, and in doing so, he opened up the whole question, that if the ordinary powder were to be continued in use there would still be the necessity for constructing the guns of greater strength than was sufficient to bear its strain; but if the pebble powder, which was at present only used by way of experiment, were to be employed, that strength might be reduced one-half, and the cost of the guns would be proportionately diminished. Although it was the custom to boast of our Woolwich guns as being infinitely superior to all others, because of their strength, yet the foreigner simply said that his guns were strong enough for the purpose required and would be no better if made ten times stronger as regarded material. That seemed to him (Mr. Hick) so clear, that it required a proper answer before the Vote was passed. Mr. Britten had not only pointed all that out but had suggested a remedy, and had proved that in designing ordnance, if due attention was paid to the economical employment of all the forces set to work, instead of making weapons as they now did, wholly of very costly material, they



might with perfect safety rely largely on cast iron which was so much cheaper. He was aware that the authorities at Woolwich were constantly pestered with the schemes of inventors, but Mr. Bashley Britten's was one which had stood the test of strict inquiry, having been extensively applied in America, and the country ought to have an answer about it. He would now call attention to one or two suggestive facts as to the waste of money incurred in producing guns of an inordinate strength, and would quote Mr. Britten. From those facts, which were open to correction, it would appear in the case of a 6½-ton gun, which had been most severely tried at Woolwich in testing samples of powder, and which though nominally of 7-inch calibre, carrying a 115 lb. shot, yet in reality, was of 8-inch calibre, and carried a shot of 180 lbs., the charges were full battering charges of 35 lbs. of powder of all kinds, mild as well as violent, and yet this bored-out gun had endured some 1,400 or 1,500 rounds. It must be borne in mind, that as an 8-inch gun, it ought to weigh 9 tons, and the thickness of its walls should be 13½-inches, whereas the fact was, that as a 7-inch 6½-ton gun, its walls were only 11½-inches thick. Yet that 11½-inches of wrought iron proved amply strong enough to resist a pressure of over 30-tons to the inch, considerably more than fell on the 35-ton 700-pounders firing service charges, where the pressure was only 24-tons per inch, and to stand which the monster gun was built up with walls of no less than 22-inches of metal. Mr. Britten, therefore, fairly asked, why should not half of that metal, on the outside, be of cast iron? It was only required to withstand the recoil, and was not required for strength; in fact, it could not give it, for the simple reason that a very large proportion of the mass laid far beyond the range of elasticity of any metal whatever. For himself he believed that a considerable proportion of our wrought-iron guns, and the most expensive parts of our large guns—namely, the outside shell which carried the trunnions—might be made of cast-iron. Those large guns, which he would admit were beautiful specimens of workmanship, now cost from £2,000 to £3,000; and he thought they might be reduced some 80 to 40 per cent in cost without being rendered a bit less efficient. He asked them why the use of

cast-iron had been abolished. The objection to its use came from the Report of the late Ordnance Select Committee, which he had seen, and found one clear fact in—namely, that it admitted that the cast-iron rifled guns which Mr. Britten tried, bore every test, and gave satisfactory results, but that similar guns on the Armstrong shunt system of rifling, and some others fired with rigid projectiles had all failed, but that was from no fault of the material, but from the absurd system of rifling adopted. Mr. Britten's plan, however, of coating the shells with lead effectually prevented the gun from bursting. But although the Britten guns succeeded, they were not adopted because the shunt guns failed. Yet, after that, the shunt system was adopted for the service, several hundreds of wrought-iron guns being so made, although it was remarkable that these would not stand, and that the plan had ultimately to be given up, several having burst explosively, while in many the interior was frequently found to split. A peculiarity of that system of rifling was contained in the grooves which varied at different parts of the gun, for instance, at the point of discharge, and up to 24-inches of the muzzle, they were deep, admitting of easy passage to the shot, but at that distance they culminated in an incline, up which it had to travel, thereby compressing the studs on its surface .005 of an inch. In fact, the shot was gripped tightly and perfectly centred, just when it left the muzzle at the moment of its greatest velocity. Besides that, these projections were of cast-iron faced with zinc, and when compressed at the muzzle of the gun as they were, he thought that if anyone had wished to destroy them he could not have resorted to a more ingenious plan for the purpose. He would now allude to one more fact. They had still in service many thousands of cast-iron guns; what pressure did they bear when they were fired? That had been ascertained, as he believed, at Mr. Britten's suggestion, as followed:—The service charge for a 68-pounder cast-iron gun was, as it had always been, 16 lbs. of what was called *poudre brutale*, and it had been found that that caused a pressure of from 17 to 18 tons per square inch, while the full battering charge for a rifled wrought-iron gun of the same calibre was 35 lbs. of the new pebble powder, causing a

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pressure of from only 13 to 16 tons per square inch. The cast-iron gun weighed only  $4\frac{1}{2}$  tons, yet it had to stand more than the wrought-iron 9-ton gun. But that was not all, for these cast-iron guns had been proved with charges of 28 lbs. of the old violent powder, thereby subjecting them to a strain even more severe than fell on the 35-ton gun firing the full service charge of the new powder, a fact more astounding when it was recollected that the thickness of the cast-iron was only about 9-inches, against 22 of wrought-iron and steel combined. Not 2 per cent of the 68-pounders supplied by the best contractors ever failed under that enormous proof. Was that evidence of its weakness or uncertainty? His experience, as he believed was that of all other civil engineers, was, that when well made and properly handled, it was quite as certain as any other iron, and that, in fact, in large masses, it was less liable to vary under manipulation than wrought-iron or steel. The fact was, that if care had been observed, and pebble powder employed, some of the breech-loading guns which had been given up might have been used at the present time. Although we had lately been selling many of our cast-iron guns, still we had many more in the service; and he contended that they might be made fit for a great deal of work by simple rifling, which could be done at a trifling cost with the machinery we had at Woolwich. A very important question hinged upon the present Motion. It was whether that House was to have the control of these large sums of money or not? The House had a right to know why they were spent. He had no doubt the money was honestly spent, but was it wisely spent? No establishment in the world could be managed with greater care, greater precision, and greater regard to economy than the Arsenal at Woolwich was. During the last five years, however, we had spent something like £2,500,000 upon guns which were now utterly useless, and although "the Woolwich Infants" were admirable guns, he maintained they were needlessly strong, and was of opinion they cost more than was really necessary. In fact, in the last 15 years we had spent £10,000,000 on our ordnance, and what had we got for the money? Had we had value for it? If not, why not? We knew from the Report of the Committee that £2,500,000

went in Armstrong guns, which were now thrown aside. How much more of what we voted was wasted, we did not know. There had been breech-loaders, shunt guns, wedge guns, Palliser guns, and now we had what was significantly called "the Woolwich system;" but what greater right had we to say it was correct, than when Armstrong guns were being made by thousands. It might be supposed that a necessary consequence of these improvements would be that some alterations would have been adopted for reducing the excessive cost of these weapons; but the models and patterns settled and sealed eight or ten years ago, remained the models for to-day and to-morrow, and there did not appear any chance of the slightest change being entertained. The designs were fixed, and right or wrong, were to be persevered with. Such conduct, however, was simply absurd, for if the country was to hold its power among nations, it could only do so, by at least keeping pace with them in the application of science to the art of war. In order to do that, invention must be stimulated, not depressed, and there ought to be a general confidence that anyone, who by study or genius was able to suggest an idea which might be worked out for the public good, would receive from the Government fair consideration. In fact, the gun of the period, for the future, must be the highest embodiment of the scientific principles on which its success depended. They still required an enormous number of rifled guns. Scarcely one of their fortifications was properly armed with them, and in their dependencies they had hardly anything save the antiquated smooth-bore. Their gun factories had been busy; but with their present plans could not furnish what they wanted, nor could they afford to pay for it. There was plenty to do in making the monster ordnance needed for their ships and coast defences. Those were special service weapons, and they required comparatively few. As to utilizing our cast-iron guns, he believed many of them might be used in checking the landing of troops, and that they might be rendered very serviceable in our dependencies. They would be thoroughly effective at a mile if they were only rifled, and they might be rifled in their places at a very trifling cost, without bringing them home. In conclusion, he might say, he scarcely

expected the Motion would be carried; indeed, he hoped it would not, for he trusted that the occasion for it would be removed by the Government giving them an assurance that the question should be fairly tried, and that the money voted for ordnance should not only be honestly, but wisely spent.

Motion made, and Question proposed,

"That a sum, not exceeding £970,000, be granted to Her Majesty, to defray the Charge for Supply, Manufacture, and Repair of Warlike and other Stores, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive." — (*Mr. Gregory.*)

MAJOR BEAUMONT, though sympathizing with the object of the Amendment, could not agree with all the arguments adduced in its support. The question raised was whether the introduction of pebble powder had not rendered it possible to utilize cast-iron guns which before were unserviceable. Pebble powder resembled a push rather than a blow, it was slower in its action than ordinary gunpowder, and accumulated its power, thereby putting less strain on the gun. In fact, it was just the reverse of dynamite, gun-cotton, and violent explosives of that kind. When the system of Mr. Bashley Britten was first proposed, pebble powder was hardly known. With all deference to the hon. Member for Bolton (*Mr. Hick*), his (*Major Beaumont's*) own opinion was that cast-iron was decidedly unreliable, and practically there was no way of proving the real endurance of cast-iron guns except by proving each individual gun. The Lancaster gun, for instance, used at the siege of Sebastopol gave extremely satisfactory results, but such results had never been again obtained. One argument brought forward in the course of this debate was, that if a gun was strong enough, there could be no object in making it stronger. *Ceteris paribus*, this argument was unanswerable, but in reality it was impossible to make guns strong enough, as a perfect gun ought to be able to go on firing for ever. Although his individual opinion was that cast-iron was not a fit material for the construction of our ordnance, yet, as many hon. Members of that House, along with many members of the Institute of Engineers, differed in opinion from him, he suggested that the Government should allow some of

the cast-iron guns in stock to be tested with pebble powder, in order that the question might be set at rest. A few guns might be given up to be experimented upon, and the Government need not commit themselves any further. He trusted such a trial would not be deemed unworthy of consideration by Her Majesty's Government, for although the gun we now had was second to none in Europe, and the opportunities which he had had of seeing what was being done abroad had confirmed him in that opinion, yet he still thought they should not in any way relax their exertions to keep the advantage they now possess.

GENERAL SIR GEORGE BALFOUR said; that he had heard the speech of the hon. Member for East Sussex in favour of Mr. Bashley Britten's claims with great interest, for he well remembered the meritorious efforts of Mr. Britten to introduce rifled ordnance—indeed that gentleman was one of the earliest advocates of rifling, and his system had been tried in India. He therefore deserved well of the country, and if any reward could be given Mr. Bashley Britten for his labours, he (*Sir George Balfour*) would be glad to see that reward bestowed. Nevertheless, he listened with apprehension to the opening up of the whole question of rifling old smooth-bore guns made of cast iron. He did not desire a renewal of such experiments as had been made during the last 12 years, for if they looked back over them they would find their cost could be counted by millions of money. No doubt the scientific knowledge of the hon. Member for Bolton had been ably applied in support of the Motion of the hon. Member for East Sussex; but this advocacy depended on the accuracy of calculations as to the strain on guns by the use of pebble powder, and on the endurance of cast-iron in sustaining the strain throughout a long firing. The experiment recommended by the last speaker might perhaps be conceded; but he should look upon it with reluctance, because he feared it would derange the existing system, and prevent that uniformity in regard to guns which it was so desirable to have in the service. At present the natures of rifled cast-iron ordnance were but few in number, whereas the system advocated would introduce many natures, for the conversion of all our cast-iron guns would

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be effected, thereby introducing not only many calibres but an innumerable number of different kinds of projectiles, than which nothing could be more objectionable. He regarded the introduction of cast-iron ordnance into the service as an extremely doubtful experiment, and if such guns were adopted, they should be placed in a very subordinate position; for under any view these converted guns were second-rate pieces. This he could confidently state—that the service were very unwilling to receive them. The result of the highest class of guns only being introduced would give the greatest satisfaction to all branches of the service, and it was neither wisdom nor economy to rely upon any other but the best description of ordnance.

SIR HENRY STORKS said, there could be no doubt whatever of the great importance of the question introduced by his hon. Friend the Member for East Sussex (Mr. Gregory). The invention or plan of Mr. Bashley Britten had been long and often before the War Department. The system had been carefully examined by eminent persons, and every desire existed to give effect to the system if it were possible to do so. His hon. Friend had relied upon the Report of the Ordnance Committee of 1863, which was no doubt in favour of Mr. Britten's system as compared with eight other systems, but the Report went on to say that the question remained to be answered whether any of the plans were suitable for adoption. The Committee, besides, avowed considerable mistrust of cast-iron guns, unless the restrictions adopted as to charge with respect to howitzers were observed in firing them. While the Committee were considering those various plans, another plan was submitted by Major Palliser, and he held in his hand detailed Reports of experiments made with the Palliser gun and the Britten gun, which he would be ready to lay on the Table of the House if they were moved for. They had, in fact, very little confidence in cast-iron guns. The untrustworthiness of the material was shown by the fact, that after full trial in America it was given up. Cast-iron guns were fairly tested in the United States, but it appeared from the Report made in 1867 by a Committee on Ordnance which sat at Washington, that no more cast-iron rifled

guns should be mounted on fortifications or on ship-board, until such improvements were made in them as would render them reliable, for that so far they were unworthy of confidence. The treacherous character of cast-iron, as testified by the Reports from America, was borne out by our own experience in this country, for at Woolwich 14 out of 17 cast-iron mortars had burst, and a great many others, both of the 10-inch and the 13-inch were pronounced unserviceable. The tendency of these Reports went to prove that in most cases, cast-iron guns had burst when subjected to anything like a severe trial, and it was determined in consequence by the War Department, that they should be given up. They were prepared at the same time to give the suggestions of Mr. Bashley Britten the most serious consideration, although on the whole, it was impossible the War Department could embark in a series of experiments which were sure to be expensive and probably useless, unless a very strong necessity compelled them to do so. They had now got a gun which he believed to be the best in the world, and which had the confidence both of the Army and of the Navy; and that being so, he did not think it was desirable, in the interest either of economy or efficiency, to take the course which had been proposed.

LORD ELCHO said, he was at one time favourable to the introduction of the American cast-iron gun, but the experiments which had taken place showed that it was anything but efficient. He objected to handing over 10 or 20 guns to Mr. Bashley Britten to be experimented on, although the suggestion was, he admitted, very taking. The only result would be to unsettle the whole question and to throw difficulties and doubts in the way of the Government; and he for one would not, he confessed, after the evidence which had been just referred to by his right hon. and gallant Friend the Surveyor General of Ordnance, showing that in the American War great loss of life had been occasioned by the bursting of cast-iron guns, have the moral courage to put cast-iron guns into the hands of our Artillery. Let him take the case of small-arms. With the improved powder, the pressure could be so reduced as to produce—without any great pressure on any part—a very great initial velocity;

but would any hon. Member like to use a cast-iron sporting gun instead of the ordinary gun made in coils? He believed not; yet that was what the Secretary for War was now asked to do in the case of big guns. The question of breech-loaders was also very important. It was the fashion to say that big guns should not be breech-loaders; but France and Prussia used breech-loading guns, and a muzzle-loading gun was in these days an anachronism. In a mechanical country like that a good breech-loader ought not to be regarded as hopeless, and if the Government would offer a good prize, as was done in regard to a breech-loading small-arm, he believed that a good breech-loading heavy gun would be forthcoming. He should like to know the number of 35-ton guns at present made, and what trial or test as to endurance they had undergone.

SIR HENRY STORKS said, the War Office regarded the breech-loading system to be inferior for heavy guns in point of power, in point of simplicity, and in point of rapidity of loading. In each of those respects the muzzle-loading gun was superior to the breech-loader. The breech-loading system weakened a gun precisely at that point where it ought to be strengthened. The muzzle-loading plan had been adopted, at all events partially, by most of the nations of Europe and of the East. The present Russian gun was an 11-inch one, throwing 515 lbs.; we had a 12-inch gun, throwing 520 lbs., and one throwing a projectile of 700 lbs. The Navy had been supplied with all the 35-ton guns it required to the number of 13, and with regard to the land guns, 18 in number, it was intended to lengthen them three feet, which would add another ton to their weight, and they would in future be described as 36-ton guns. As to the exposure to which the men were subjected who had to load the muzzle-loading guns, a most ingenious arrangement had been invented by Sir William Armstrong. By that plan the gun was run back, the muzzle depressed, and the gun sponged out and loaded by a hydraulic machine. That was now under consideration. If this invention appeared to be worthy of adoption it would get rid of the difficulty of breech-loading, which question the War Office was disinclined to re-open. Speaking generally, the authorities considered that we had

the very best guns in the world, and to re-open the question would lead to experiments of a very costly character which were not considered necessary.

MAJOR BEAUMONT said, that the opinion of artillery officers would be unanimous as to the desirability of having breech-loaders for heavy guns, provided mechanical men could produce one which would burn a sufficient quantity of powder to give the requisite initial velocity to the projectile.

COLONEL BARTELOT: What is the cost of one of these 35-ton guns?

SIR HENRY STORKS: Each costs £2,156 5s. 0d.

MR. RYLANDS said, millions of money had been wasted in the manufacture of guns which had turned out useless. The Committee therefore must not accept the dictum of the Ordnance authorities, and he was not satisfied that Mr. Bashley Britten's plan for utilizing our old cast iron guns had received proper attention. What was asked was that the Government should allow such a series of experiments as would satisfy the public that the plan for testing these guns, and for effecting thereby a great economy, had been fairly tried with the new powder and under new conditions previously unknown.

MR. CARDWELL said, if it could be shown that these guns could be safely used, the War Office would be the first to adopt any safe method of using them; but he could hold out no hope that the War Office would allow the use of cast-iron guns because some of them might be used without bursting, in defiance of all the experiments made here and in foreign countries showing that cast-iron guns could not be used safely.

Amendment, by leave, *withdrawn*.

COLONEL BARTELOT wished to ask, before the Vote was put, whether the machinery at Enfield had been converted for the manufacture of Martini-Henry rifles; whether those rifles were being issued to the troops; and, if so, what number had been ordered; whether the Martini-Henry adopted, if adopted at all, was the long or short rifle; and whether the bayonet to be used with it was the old-fashioned bayonet or the new-fangled modern sword bayonet?

LORD ELCHO said, he had heard many unfavourable reports of the Martini-Henry rifle, and even general offi-

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cers had told him that it was a thoroughly unsatisfactory weapon; that the troops did not like it; that it recoiled so much that they were afraid to use it; that the spiral-spring failed; that there was no similarity in the pull between different rifles—in fact that the nation, after long inquiry and a large expenditure, had got a gun which had proved a failure, and with which it would be unwise to persevere. He had gone into the Committee which sat upon the subject as an opponent of the Martini-Henry rifle; but he was bound to say that he left that Committee as a convert to it. As to the recoil, he had tested the Martini-Henry rifle with Mr. Ross, firing it slowly and firing it quickly, and they did not feel the recoil in the least. It had also been tested by several men belonging to the Rifle Brigade, who happened to be on guard at the Arsenal at Woolwich, and they agreed that the recoil was less than that of the first pattern Martini-Henry, which was heavier, and even less than the Snider which they were in the habit of using. He hoped his right hon. Friend the Surveyor General of Ordnance would be able to assure them that the reports to which he had referred were unfounded.

SIR HENRY STORKS said, that with reference to the question of his hon. and gallant Friend opposite the Member for West Sussex (Colonel Barttelot) he had to state that during the year ending 31st March last 62,000 Martini-Henry rifles had been turned out at Enfield. The department at Enfield was now capable of producing 1,500 rifles a-week, at ordinary hours of labour, and steps were being taken to increase the power of the factory, so that 3,000 could be produced in a week. They were substituting to a great extent machinery for hand labour, and that would be the means of leading to greater rapidity and accuracy of production. During the year 1873 they proposed to make 40,000 Martini-Henry rifles at Enfield and 38,000 by private manufacturers. He was happy to say that he could give the most favourable report regarding the weapon. Much had been said of the recoil of this rifle, but he held in his hand a large number of reports from officers, and the great majority of them stated that the recoil was not excessive. There were complaints when the weapon was first issued of miss-firing, but the

reports stated that the main springs had been strengthened, and that miss-firing had now practically ceased. The Committee which had been appointed to investigate this subject reported that in their opinion the Martini-Henry was superior in range and precision to the Snider and to the Chassepôt. They had not as yet received any specimens of the new Imperial German rifle. The reports of the commanding officers of regiments also spoke most highly of the Martini-Henry rifle. He had written to Earl Ducie on the subject of the arm, and his Lordship stated that the 60 riflemen who had used it in shooting for the last stage of the Queen's Prize had expressed a strong feeling of approval of the Martini-Henry, and a hope that it might soon become the weapon of the Volunteer Force.

Original Question put, and agreed to.

(5.) £778,000, Works, Buildings, and Repairs.

COLONEL BARTTELOT complained of the neglected state of the barracks at Glasgow.

MR. CARDWELL said, that was one of the properties which having fallen into Chancery had become an eyesore. The contractor failed to do his duty, and that led to suits in Chancery. The litigation, however, had now come to an end, and arrangements were being made for a new contract. It was proposed to place a squadron of cavalry at Glasgow.

MR. WHEELHOUSE wanted to know what measures were being taken for the improvement of the barracks at Leeds?

MAJOR ARBUTHNOT urged upon the Government the desirability of furnishing barrack rooms for officers.

COLONEL NORTH asked why should not officers in the Army be placed in a similar position to officers in the Navy with regard to the furnishing of their rooms, the Government to provide the furniture and the officers to pay a percentage for its use? About the close of the Crimean War he called attention to this subject, and the right hon. Gentleman the Secretary of State for War at the time highly approved his proposal, and so did the Commander-in-Chief, and yet, after the lapse of so many years, nothing had been done.

SIR HENRY STORKS said, the subject had been under consideration, but there were found to be great diffi-

culties in the way. Officers embarked on board ship for three years, took the furniture that was provided for them, and paid a percentage. But in the case of a regiment of the Line, it might get the route to-day and have to march to-morrow, and then it would be necessary to have damages assessed, which, of course, should be done at the expense of the officers, and would give rise to great difficulties.

COLONEL NORTH could not see the slightest difficulty in the matter. When soldiers were leaving, damages were charged to them; why could not the same be done in the case of officers, who were used to being charged, and charged exorbitantly?

LORD EUSTACE OECIL said, that at present the Government supplied a table and two chairs; why not go a little further and let the officers have a bedstead, chest of drawers, and a few other articles? It would be a great saving to the officers and no great expense to the country. He was glad to find from the Vote that the few remarks which he had made last year in reference to works at Bermuda had been productive of a certain amount of good result. It seemed that black labour, which was very costly, had been done away with, that a permanent fort had been abolished, and some of the contractors' charges had been considerably reduced. He hoped what had been done there would be done in other outlying stations, and that without going to large expense for permanent works which would be unnecessary, we should have economy and efficiency at the same time.

MR. WHITWELL suggested a better classification of the various details of the Vote, and remarked that the charge for architects and superintendence was something like 11½ per cent, which was a very large sum.

LORD ELCHO said, that there were some fine old trees at Portsmouth which in the progress of the works there he found, to his horror, it was intended to cut down, in order to get some ground for building stores of some kind. He ventured to enter a protest against the proceeding; steps had been taken in consequence, and the trees had been spared. Engineers should take counsel, so that the appearance of a place should be consulted a little, as well as the gaining of ground. He saw no mention

in the Vote of any repairs going on at the Hilsa lines. He should like to know what sum had been expended in repairing that fortification?

SIR HARRY VERNEY suggested that the Government should consider the question of supplying officers with mess plate, subject to their paying interest on the outlay.

MR. CARDWELL, in reply to the hon. Members for Oxfordshire and Buckingham (Colonel North and Sir Harry Verney), said, that he would be delighted to furnish all the barracks of the country, not only with plate but furniture, but it would involve a very large outlay, and the length of time which the hon. and gallant Gentleman the Member for Oxfordshire had been labouring in the cause showed that other Governments besides the present had felt the difficulties in the way. He was aware that the state of the cavalry barracks at Leeds was not satisfactory, but at present there was no money asked for repairing them.

Vote agreed to.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £133,900, be granted to Her Majesty, to defray the Charge for Establishments for Military Education, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."

CAPTAIN ARCHDALL called attention to the state of new Sandhurst, stating that while the old College was self-supporting, the present one cost the country a large sum of money, and was not viewed by the students with the same affection and respect, for the cadets of old Sandhurst looked back to it with something like the feelings of pride and veneration with which Eton and Harrow were regarded by those who had had the privilege of being educated there. But the system pursued at new Sandhurst was very different. Under the present system young officers, after passing through the inhuman and unjust ordeal of a competitive examination, or having taken an University degree, joined their regiment for a year, and were then sent back to Sandhurst at the age of 21 or 22; they were then placed under school discipline, and exposed to a system of irritating espionage; placed under arrest for the most frivolous causes, kept in their rooms and punished for several

days. He believed, too, that system had been carried out illegally. Instead of continuous instruction, the year was broken up by their vacations. On Friday and Saturday there were no studies after 1 o'clock, and as there was no society in the neighbourhood, unless the officers were of a very studious turn they could only amuse themselves by drinking brandy and water on Friday, Saturday, and Sunday. He had put a Motion on the Paper to call attention to the Sandhurst scandal, but in deference to the wishes of the parents of the young officers, who had done nothing, he was assured, unbecoming the character of gentlemen, he did not press it on the notice of the House. Owing to the system which was carried on, the College was in a state bordering on mutiny; disgust and discontent prevailed among the officers, who hated it most cordially. He did not think that under these circumstances the disestablishment of Sandhurst could be accompanied with the slightest inconvenience, and, therefore, he had no hesitation in moving that the vote be reduced by the sum of £16,989, the sum requisite for its maintenance.

Motion made, and Question proposed,

"That a sum, not exceeding £116,911, be granted to Her Majesty, to defray the Charge for Establishments for Military Education, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."—(*Captain Archdall.*)

LORD EUSTACE CECIL observed that two months ago a Question was asked on this subject, to which his right hon. Friend the Secretary of State for War gave a very meagre response. His object now was to ascertain a little more of the truth of the story than his right hon. Friend had then vouchsafed to give, so that the Committee might see who was in fault. He had not been able to make very minute inquiries into the scandal, but there was no doubt a very serious spirit of insubordination among a certain number of young officers. As he understood the answer of his right hon. Friend, it seemed to throw a little more blame on those officers than they deserved. He, however, did not stand up to defend their conduct; he thought it insubordinate, to say the least of it. He thought it bad taste, and it might be something worse. He believed his old friend Sir Duncan Cameron had done everything in his power; but he was not

sure that the same judiciousness in the mode of dealing with the young men had been shown by other authorities on the occasion. As far as he could find out, the history of the scandal at Sandhurst was very much the same as that which occurred at Woolwich some years ago. There had been a system of petty, vexatious annoyance—treating student officers like schoolboys. That system was very much to be deplored, for it tended to make young men break out and commit schoolboy acts, which in their cooler moments they were sorry for. These young men of 18, 19, and 20, it seemed, were not allowed to have soda-water and brandy when they asked for it at breakfast. The cadets, after having previously enjoyed the liberty of the regimental mess, were subject to certain sumptuary laws as to what they should "eat, drink, and avoid," which it was probable that even boys at Eton would have rebelled against. Certainly, it was too much to subject young men who had attended a regimental mess for some months to this new Spartan discipline. Some years ago, when he called attention to the grave faults of the Sandhurst system, a Royal Commission was appointed, and it devised a scheme of re-construction. After an interregnum, some one in the War Office devised this new scheme, which was founded on the German model; but the difference between the German and the English systems was that in Germany a young man served as a soldier in a regiment, and in England he joined a regiment as an officer, and was admitted to all the advantages of the mess. Of course, he would feel much more being sent back to school again than a young man who had undergone discipline in the ranks. That had been very much felt by officers who had been sent to Sandhurst; they had complained very much of the system of treatment there, and they had rebelled against it. He said that much, in order to induce the right hon. Gentleman the Secretary of State for War to state what he knew, in order that they might judge who was to blame, whether the young men or the system. At the same time, he trusted that, after the explanations of the right hon. Gentleman, the reduction of the Vote would not be persisted in. He wished to ask how far the recommendations of the Commission had been carried out at Woolwich also, be-



cause it was unwise on general grounds to allow the labour of any Commission to be thrown away?

MR. CARDWELL said, there were few Commissions that had had more of their suggestions carried out than that on Military Education; but Commissioners seldom looked at the cost their recommendations would involve, in the way the Government were bound to look at it. A good deal of money, however, had been spent usefully in pursuance of the recommendations of the Commission. There had been established a system of garrison instruction, which was serving extremely well. Great improvements had been made in the system of educating privates in the Army; and the last Report of the Director of Military Education contained a surprising account of those improvements. In compliance with the recommendation of the Commission, buildings had also been erected at Shoeburyness and Chatham, and no Member of the Commission, therefore, need be sorry for the labour he had bestowed upon it. The Government had not incurred all the expenditure that was recommended at Woolwich, because in their judgment other claims had precedence. The noble Lord the Member for West Essex (Lord Eustace Cecil) could hardly expect him to give a recital of what had occurred at Sandhurst; it was the last thing he should like to do. It was fortunate the Vote did not come on two months ago, because nothing could be more agreeable than what had occurred during those two months, and everything was now going on satisfactorily. The hon. and gallant Gentleman opposite (Captain Archdall) had spoken of the inhuman ordeal of a competitive examination; but there was no ordeal at Sandhurst which was more inhuman than all were subjected to, or than he was subjected to in that House. Of course, it was impossible to encourage the drinking of brandy and soda-water in a morning before breakfast; but, having heard from that able, intelligent, and excellent officer, Sir Duncan Cameron, what was actually done at Sandhurst, he must say that he found the discipline at Oxford, with all the liberty they had, much more strict than at Sandhurst. Indeed, Sir Duncan Cameron assured him that these young gentlemen were treated exactly as they would be if they were with their regi-

*Lord Eustace Cecil*

ments. What was intended, and what he believed was valued was, that these officers should have the opportunity of gaining that sort of education that was gained by officers in Germany; and he knew that the distinguished foreign officers who were here in 1871 expressed great approbation of the training which was given at Sandhurst. After these explanations he trusted the Amendment would be withdrawn.

SIR HARRY VERNEY approved of the removal of the Duke of York's Schools into the country, where the boys might be employed in agriculture, with great benefit to their health.

MR. WHITWELL said, he did not intend to support the Motion of the hon. and gallant Member opposite (Captain Archdall), for reducing the amount of the Vote by the sum appropriated to the support of Sandhurst College, because he thought it was most important that the education of our officers should be secured; but, at the same time, he felt that it was scarcely right that while £3,981 was spent in the government of the College, £2,000 for staff-sergeants and the band, £4,200 for clerks and servants, and £2,500 for the Governor's salary, only £3,800 should be spent on the instruction of the students in military fortifications and tactics. The average salary of the Professors did not exceed £350 a-year.

MAJOR ARBUTHNOT wished to know why the office of garrison instructor was allowed to be held by cavalry and infantry officers on half-pay, and by an officer of the engineers on full-pay, but not by artillery officers.

LORD EUSTACE CECIL explained that his view was that these young gentlemen should be sent in the first place to Sandhurst and then to their regiments, and not first to their regiments and then to Sandhurst. The salaries of the Sandhurst Professors were fixed by the Royal Commission.

MR. CARDWELL said, that in spite of recent occurrences at Sandhurst, Sir Duncan Cameron was strongly in favour of the present system.

CAPTAIN ARCHDALL intimated that he did not intend to insist on taking the sense of the Committee upon the Amendment.

SIR JOHN PAKINGTON, having heard a rumour on the subject, wished clearly to understand from the right hon.

Gentleman the Secretary of State for War, whether it was his intention to remove the Duke of York's School from Chelsea into the country, and to remove the Household Troops from Knightsbridge Barracks to the building so left vacant by the removal of the school? He saw no reason for expending a large sum of money upon removing the troops from their present barracks, which were excellently situated in the event of the troops being required on an emergency. He could not agree with the hon. Baronet opposite the Member for Buckingham (Sir Harry Verney) that it was desirable to remove the Duke of York's School into the country, where they might become good agriculturists. They had better remain where they were now and become good soldiers.

MR. CARDWELL said, he feared he could not give an answer which would be satisfactory to the right hon. Baronet opposite (Sir John Pakington); but this much he might say—the Royal Commission recommended that the Duke of York's School had better be removed into the country, and with that recommendation he was inclined to agree, but as yet he had arrived at no fixed plan or mature view on the subject. He agreed with the right hon. Gentleman, that the boys ought to be made into soldiers and not into agriculturists, as it was of great importance to us to have our non-commissioned officers educated at this school, and he was happy to state that, so far, 80 per cent of them went direct into the Army. He had no fixed plan for the removal of the Knightsbridge Barracks to the present site of the school, but he might say that instead of such a removal entailing loss to the public, it would result in a considerable gain, in consequence of the great value of the land on which the barracks now stood. The real point, however, was, did a legitimate desire exist for the proposed removal of the barracks? Not only did he desire it, but he should be glad to lend a hand to accomplish that object. He was doubtful, however, whether the site of the Duke of York's School would be sufficiently large for the erection of the barracks on it.

SIR HARRY VERNEY thought that if the boys were brought up in the country, they would make better soldiers than if brought up in town. He was of

opinion that it would be an unwise step to sanction the removal of the Knightsbridge Barracks. Having taken part in the suppression of riotous mobs, he had seen the great advantage of being able to march the heavy cavalry out from that situation, from which it could so readily be brought to bear on any part of London.

COLONEL NORTH said, he had also heard with regret the proposal of the War Office to remove those barracks.

LORD ELCHO said, it was generally thought that it would be an improvement if young men were sent to Sandhurst before joining their regiments, instead of afterwards. As a father, he certainly protested against the use of brandy and soda forming a necessary part of the breakfast for these young men. He doubted the policy of abolishing the grade of ensign, as he thought the more steps there were in a regiment the better. It was well that men should have something to look forward to, and a change of rank supplied that prospect. For this reason, he thought it would be well if the rank of ensign had been retained and young men on first joining had become cadets, as in some foreign services.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(7.) £29,300, Miscellaneous Services.

MR. W. FOWLER, referring to the expenditure connected with the administration of the Contagious Diseases Acts, said, he did not wish to revive the disagreeable discussion they had lately had on that subject, but he felt it his duty to protest against the present position of affairs. They had created a new offence, making a thing punishable in one town which was not punishable in another, and he protested, when he was asked to vote the money requisite to carry out the arrangements which followed from that state of things. According to the latest statistics it appeared that out of 41,473 persons who had undergone an examination within a given period, only 3,484 were sent into hospitals. In other words, nearly 38,000 were compelled to submit to that examination, though their sanitary condition was good, to avoid the penalty of being treated as criminals by their refusal. That, he submitted, was a new offence, hitherto unknown to the law. In his

opinion, if the system was so beneficial as was said, they ought either to abolish it altogether, or extend it to every town in the Empire.

SIR HARRY VERNEY defended the Acts. It was necessary to prevent the propagation of contagious diseases, alike for the health of the Army and the benefit of the objects of the Act. He, however, wished to see the system in question altered, not by applying it to every town in the kingdom, but by applying it equally to both sexes.

MR. HENLEY pointed out that this head of expenditure amounted altogether to nearly £16,000, and thought the Government, with their very economical views, would soon take on a regular corps of those particular articles and attach them to each regiment, and then their system would be complete. They would not be able to make a lower descent. That was not a very pleasant subject to discuss, but the course the authorities were pursuing would soon lead them to that, if not to something worse.

*Vote agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £200,500, be granted to Her Majesty, to defray the Charge for the Administration of the Army, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."

MR. ANDERSON moved the reduction of the Vote by £900, £300 of which sum was a proposed increase of the salary of the Military Secretary of the Commander-in-Chief, and £600, the salary of an Assistant Secretary—a totally new office. A few years ago that department had been examined by a Select Committee, and the result was, that it reported that the officers of the Staff referred to were very extravagantly paid. Thereupon the salary of the officer called the Military Secretary was reduced by £740—namely, from £2,240 to £1,500—and that was still, in the opinion of those who were acquainted with the facts, a very handsome salary for the duties performed. Now, however, there was a proposal to add £300, and provision was likewise made for paying £600 to an assistant secretary. He wished to know the reasons for those additions. Then there was an item of £1,200 for a new officer, called Deputy

Adjutant General; but he had been informed that that officer was really the head of the Intelligence department; and as on the other hand, there had been struck off £1,000 for the office of Chief Clerk, he did not propose to object to this part of the Vote. As to the other items he had spoken of, he thought them very objectionable, and not only would move their omission, but would like to ask whether the Treasury had approved of them before they were brought before Parliament?

Motion made, and Question proposed,

"That a sum, not exceeding £199,600, be granted to Her Majesty, to defray the Charge for the Administration of the Army, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."—(Mr. Anderson.)

SIR HARRY VERNEY supported the Vote. It was, he said, real economy to have an efficient staff, and the duties of the office in question were of great importance. He therefore hoped the Committee would not agree to the reduction at a time when it was more than ever necessary that the administration of the Army should be kept in a state of the highest efficiency at head-quarters. In the part of the Vote mentioned by the hon. Gentleman—the Intelligence department—he thought the increase was justified, on the ground that improvement was necessary, as evidenced by the fact that we lagged behind all other countries in that respect.

MR. CARDWELL understood the objection to this part of the Vote was not pressed. [Mr. ANDERSON: Only the £600 and the £300.] The simple justification of the creation of a new position in the Military Secretary's office was that of late the duties of the Military Secretary had been prodigiously increased by the changes which had taken place in the organization of the Army itself. Of late years a complete record had been kept of the services of every officer in the Army. That record was of an extremely confidential character, and it could only be entrusted to an officer of high standing. An assistant had therefore been found to be necessary, while the duties of the Military Secretary himself were of so confidential a character as to make it desirable to increase the salary, and so secure the services of an officer of high standing. The hon. Member for Glas-

*Mr. W. Fowler*

gow (Mr. Anderson) had asked if the Estimate had been approved of by the Treasury. The matter had not yet been finally disposed of by the Treasury, and they might be relied on to keep a watchful eye on any increase of expenditure. He (Mr. Cardwell) had simply done his duty in presenting the Vote to the House.

COLONEL NORTH said, he could bear testimony to the efficiency of the Military Secretary, and to the fact that the business of the office had been largely increased through the recent changes. He would like to ask what the hon. Member for Glasgow (Mr. Anderson) considered to be the duties of the Military Secretary?

MR. ANDERSON did not think it was his duty to state in detail what was the business of the Military Secretary—his object was to prevent unnecessary expenditure. He had informed himself, however, of what was his business at the time the Committee reported, and probably knew as much about it as the hon. and gallant Member who interrogated him. There were no public means of ascertaining what he had to do now, but he was told that he had been relieved of many of his duties by the abolition of purchase.

COLONEL NORTH said, the hon. Member had been very much mis-informed, for the duties of the Military Secretary had been largely increased by the abolition of purchase. He hoped the Committee would not reduce the Vote.

MR. ANDERSON objected to the introduction of the personal element. The matter was one connected with a particular office, and not in any way with the officer who happened to hold it. They had been told by the right hon. Gentleman the Secretary of State for War that the Treasury had not approved of the increase. He would like to know whether they had disapproved of it, or whether they had had it under discussion at all, and if so, what decision they came to regarding it?

GENERAL SIR GEORGE BALFOUR had personally a high respect for Colonel Egerton, the Military Secretary, but he objected to these increases being made that had taken place within the last few years in the cost of the military staff of the Horse Guards, and therefore without some better reason than had yet been given, he would vote with

the hon. Member for Glasgow (Mr. Anderson). He did not object to officers being paid good salaries. On the contrary, he thought one of the most objectionable features of the military system was the miserable salaries paid to officers, and the excessively large numbers employed. It was that large military staff now kept up for the small Army we maintained that caused the extravagance so much complained of in our military expenditure. It was time the Committee set about effecting a substantial reduction in the Estimates, instead of permitting the items to be increased, as had been done during the past three years. So far from any increase in the cost of the military staff being called for, he considered that on the amalgamation of that Staff with the War Office a large decrease in numbers and cost, instead of an increase, ought to have been made, and until this reform was effected no real decrease in the military expenditure could be looked for. And if any changes in salaries consequent on changes in duties were needed, the modifications ought to have been carried on by changes in the salaries of officers whose duties were lessened. He must add that he deeply regretted to see this proposed decrease brought forward by the right hon. Gentleman the Secretary of State.

SIR PATRICK O'BRIEN said, he could not agree with the hon. and gallant Member for Oxfordshire (Colonel North) that none but military men had a right to criticize those Estimates. If that were so, the best thing to be done was that all the civilian Members should leave the House, and let those belonging to the military profession vote away the public money as they pleased. He did not think that it would become the Committee to divide on the question whether or not the holder of a high military office was to have an addition of £300 a-year made to his salary or not; but, at the same time, he thought that Her Majesty's Government were bound to give a sufficient reason for asking the House for this additional sum. If the right hon. Gentleman said that it was necessary for the efficiency of the public service that the increase in this officer's salary should be made, he should vote for that increase, and should throw the responsibility of the matter on the right hon. Gentleman. He was certainly sur-

prised to hear that the duties of the Military Secretary had been increased, compared with what they were at the time of Lord Northbrook's Committee; for, if he recollected aright, General Foster, who then held the office, was such a glutton for work that he actually performed duties which belonged to the Commander-in-Chief. It was then resolved to confine him to his proper functions, and the salary was accordingly reduced. It was, however, now stated that the Military Secretary had to keep a record of the military services of each officer, as a guide for promotion by selection. Could it be stated that there had not always been preserved such a record? If so it did not matter for what reason it was preserved, although now it might be required to carry out the principle of selection—and could it be for a moment insisted that on this account the salary was to be raised? He protested against the reduction of salaries at a period of panic, when, as was here the case, Parliament was in a year or two afterwards called upon to increase them.

COLONEL NORTH inquired whether it was not the fact that the duties of the Military Secretary had not been greatly increased by the abolition of purchase?

MR. CARDWELL said, that the duties of that officer had been considerably increased.

MR. ANDERSON: Has this matter ever been discussed by the Treasury, and what answer was given?

MR. CARDWELL: It has been under the consideration of the Treasury, and was not approved.

MR. ANDERSON: Was it disapproved?

MR. CARDWELL: It was.

MR. ANDERSON: Yet in the face of that disapproval the right hon. Gentleman brought this increase before the House, and endeavoured to press it through the House, and to compel the Treasury to swallow it, whether they liked it or not. He thought he was quite warranted in taking the sense of the Committee upon it.

MR. CARDWELL observed that inasmuch as the question was not finally and absolutely disposed of, in his opinion, it ought to be brought before the House.

MR. ANDERSON: But it was disapproved?

MR. CARDWELL said, in reply, that he still hoped it might be approved, as he thought the refusal had been upon inadequate information.

LORD ELCHO entered his protest against the theory that when the head of a Department brought an increase before the House as necessary to the efficiency of his Department, he must necessarily be bound by the opinion of the Treasury. No Secretary of State worthy of his position would consent to do so, as he himself must be the best judge of what was required.

GENERAL SIR GEORGE BALFOUR remarked that no estimate ought to be submitted to the House which had not been previously approved by the Treasury. This was a recognized principle which had been in force for many years.

COLONEL NORTH said, that nothing could be more straightforward than the manner in which the right hon. Gentleman had put this matter before the House, and he considered that the House of Commons was the proper tribunal to determine it.

MR. DENISON asked if there was not a new appointment—that of Military Under Secretary—at a salary of £600?

MR. CARDWELL said, that was so. The duties were of a very confidential character, and were, therefore, entrusted to an officer of high rank.

GENERAL SIR GEORGE BALFOUR in reply to the call as to whether the Treasury or the Secretary of State was most fitted to judge of the wants of the Army, admitted that the Treasury, under the present Chancellor of the Exchequer, was the most inefficient Department in the State, and far less competent than the right hon. Gentleman to form an opinion upon the matter; but still it was the rule that no Estimate should be submitted to the House which was not approved of by the Treasury, and that rule ought to be acted upon.

MR. CARDWELL said, that the rule that governed the preparation of the Estimates was that no sum could be entered without the sanction of the Treasury; but they reserved to themselves, in the case of any establishment, the right to review that establishment afterwards.

MR. DICKINSON considered that no satisfactory reason had been assigned for this increase in the salary of the Military Secretary. If the duties were

heavy now, they would in a few years hence be considerably reduced.

MR. CARDWELL observed that the appointment was only for five years.

MR. R. N. FOWLER held that the right hon. Gentleman was a better judge of the requirements of his Department than even the Treasury, and therefore he would support him. He much regretted the disposition to cut down to the last sixpence the salaries of those who had important duties to perform.

MR. SCLATER-BOOTH said, that the Chancellor of the Exchequer, the Secretary to the Treasury, and a Lord of the Treasury had a few moments previously all been standing at the Bar. It was observed that the Financial Secretary to the War Office left his seat to speak to them, and the Committee no doubt expected that those right hon. and hon. Gentlemen, being thus informed of the difficulty, would have given the Committee some enlightenment. It must have been remarked, however, that they all disappeared suddenly, and thus the Committee were still left in a state of embarrassment. He was at a loss to understand in what position the Vote came before the Committee, or how they would stand if they passed it.

MR. CARDWELL admitted that he had been placed in a difficulty. He had recommended an increase in the salary of the Military Secretary, the Treasury had withheld its approval, and the case was not finally closed. If, however, the Treasury persisted in objecting, the increase would not be given.

MR. MUNTZ said, that the question was, whether the Committee were prepared to Vote that increase of salary, contrary to the disapproval of the Treasury. Instead of coming in to help the Secretary of State for War on this Vote, the Chancellor of the Exchequer had "bolted out" of the House as fast as he could. Under those circumstances, he must support the hon. Member for Glasgow (Mr. Anderson).

MR. J. S. HARDY hoped that the Committee, on a question upon which it was now fully informed, would not, by striking out the Vote, make itself and the head of the Department the slaves of the Chancellor of the Exchequer. The Military Secretary, it appeared, had now certain records to keep, and if the Secretary of State for War thought that he ought to have a small increase of

salary the Committee ought to vote it, irrespective of the opinion of the Chancellor of the Exchequer; and if that right hon. Gentleman still objected, it ought not to drive the Secretary of State to commit suicide.

MR. VERNON HARCOURT repudiated the idea that they should pass Votes merely because they were asked for by a head of a Department; but at the same time he would suggest that, as the Chancellor of the Exchequer was now in his seat, the Committee would hear from him why the Treasury disapproved the increase.

SIR JOHN PAKINGTON thought the Committee was placed in a position of considerable difficulty. The right hon. Gentleman the Secretary of State for War thought the salary of the Military Secretary should be increased by £300 a-year. The answer of the Treasury was, that they disapproved of the increase, upon which the Secretary at War was not disposed to submit to the decision of the Treasury, and made it a matter of remonstrance. The two right hon. Gentlemen should have taken care to have the matter settled before bringing it before the Committee. For himself, he would place the opinion of the Secretary of State upon such a question far before that of any Gentleman in the Treasury.

MR. O'REILLY said, that when the salaries of the officers in the War Department were re-arranged, they had been settled in relation to the relative standing of the several officers, and he disapproved of the violation of that principle. The simple fact of increase of duty did not constitute a claim for increase of salary. The House and the War Department ought to pause before recommending an increase of the salaries which had been fixed after an exhaustive departmental inquiry a few years ago.

COLONEL NORTH remarked that the salary of the Military Secretary was reduced, because his work would be reduced; but it seemed that his work had been increased.

MR. GLADSTONE said, it had not been entirely decided by the Treasury whether the salary of the Military Secretary should be increased by £300 a-year. As an objection had been taken, he thought it was more regular not to ask the Committee to vote the sum

which had not been determined upon. Therefore, so far as that portion of the Vote was concerned, it would be withdrawn. The reason for withdrawing it was that the Government had not made up their minds that that was a charge which they ought to ask the Committee to sanction. If the Government arrived at the conclusion that the sum ought to be asked for, they would ask for it in a Supplemental Estimate.

MR. ANDERSON believed it wrong to bring forward Votes not approved of by the Treasury, because hon. Members on his side of the House looked very much to the Treasury for guidance in such matters. On the understanding that the Votes would be referred back to them, he would withdraw his Amendment.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. R. N. FOWLER asked the amount of the salary of the Assistant Military Secretary for India, which was paid out of the revenues of India?

MR. CARDWELL said, he was not aware of the precise amount, but he would inquire.

SIR PATRICK O'BRIEN asked, whether the same rule with reference to Staff appointments which prevailed in England, under which preference was given to those who had passed the Staff College, was in force in India?

MR. CARDWELL said, the discretion as to Indian appointments was with the Commander-in-Chief in India.

COLONEL BARTELOT said, he wished to call attention to a matter which was of vital importance to the Army at large. Great discontent prevailed amongst officers respecting certain things connected with the abolition of purchase, and the other night two serious questions were brought before the House of Lords connected with the subject. When purchase was abolished, officers were assured by the Government that they would be placed in no worse position. That pledge had not been fulfilled. He asked whether the right hon. Gentleman could not put an end to the discontent, by handing over to some disinterested and proper tribunal the case of those officers, in order that it might be ascertained whether there was or was not a real grievance? The desertions which had taken place during

the last few years showed that there was also discontent among the privates. There was not one regiment in Ireland recruited up to its proper strength; and yet the House had been told that everything was going on satisfactorily. The question of the supersession of the colonels by the Indian colonels had not been definitely settled; and the same was to be said of the Lucknow and Kirwee prize-money question. These were details into which the right hon. Gentleman did not seem to enter; and yet they were grievances which were rankling in the minds of the officers and non-commissioned officers and men.

MR. CARDWELL said, he had yet to learn that he did not go minutely into details. He, at any rate, spared no pains, and did to the best of his ability. If the hon. and gallant Gentleman opposite (Colonel Bartelot) had himself gone into details, he would have known that the question of the prize money was not unsettled, that it had not concerned him (Mr. Cardwell) to settle it, and that it had been settled by another Department some time ago. As to desertion, that belonged to a period of high wages in the labour market, and a period which followed great recruiting when the excitement which had led to the great recruiting had subsided. With regard to brevet, the hon. and gallant Gentleman had said that by promoting a certain portion of the officers who, as he had said, had been superseded by the Artillery and Engineers, he had admitted that they had a claim, and therefore he ought to have treated them all alike. He had, however, admitted nothing of the kind. The Committee which had reported in favour of improved promotion for the Artillery and Engineers had reported in substance that some of the officers of the Line must be superseded; and when the right hon. Gentleman opposite (Sir John Pakington) bequeathed to him the question as one of great importance and difficulty, he did so knowing perfectly well that when he had overcome those difficulties he must put Artillery and Engineer officers above officers of the Line. He had succeeded in obtaining a degree of promotion with which the House for a time was satisfied. The main object of the brevet was this. The abolition of purchase had enabled meritorious old officers who had been frequently purchased over to be promoted from the

*Mr. Gladstone*

rank of Captain; but it was not possible to repair at once the result of years of purchase by the ordinary regimental promotion, and in order to give increased rapidity to the process this brevet had been given. As to the discontent respecting the abolition of purchase, he believed the whole of the remonstrances had not yet arrived at the War Office, and a large number were now undergoing examination. He hoped he would be able to give the result of that examination before long. He was not prepared to hold out vague and uncertain expectations. He must know what he was doing, and where he stood before he could give an answer on the subject. He had promised that no man should be in a worse position in respect to the commission he held on the day on which purchase was abolished; and he would be surprised if many cases were discovered in which it had been the case that that pledge had not been fulfilled. He wished at the same time to remind the Committee that the arm of Parliament was not shortened in this matter, and that already money had been voted to meet cases of officers where that had been deemed necessary.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £200,200, be granted to Her Majesty, to defray the Charge for the Administration of the Army, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."—(*Mr. Secretary Cardwell.*)

Question put, and agreed to.

(9.) £35,400, Rewards for Distinguished Services.

(10.) £80,000, Pay of General Officers.

(11.) £527,900, Full-pay and Half-pay, Reduced and Retired Officers.

(12.) £147,300, Widows' Pensions, &c.

(13.) £16,400, Pensions for Wounds.

(14.) £36,600, Chelsea and Kilmainham Hospitals.

(15.) £1,214,500, Out Pensions.

(16.) £172,100, Superannuation Allowances.

MR. WHITWELL noticed that out of a list of 54 gentlemen who had retired from the service, six were under 35 years of age, and 12 were under 40, and suggested that there must be other situations in which these gentlemen could

be usefully employed. He wished to have some explanation as to the manner in which these superannuation allowances were granted, and how it was that they were granted in some instances to persons not much above 30 years of age?

THE CHANCELLOR OF THE EXCHEQUER said, that, acting upon the authority of an Order in Council, the Government did everything in their power to find employment in other offices for gentlemen who had been superannuated, but the situations at the disposal of the Government had not been considered good enough for them.

Vote agreed to.

(17.) £20,200, Non-Effective Services for Militia, Yeomanry Cavalry, and Volunteer Corps.

MR. BARNETT asked under what authority the allowance was made to the yeomanry cavalry?

MR. CARDWELL: Under the Yeomanry Cavalry Regulations.

Vote agreed to.

House resumed.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

## RAILWAY AND CANAL TRAFFIC BILL.

### LORDS' AMENDMENTS.

Lords' Amendments further considered.

MR. W. N. HODGSON rose to Order. He wished to ask Mr. Speaker a question as to the position in which the House was placed. When last the Bill was under consideration, he (Mr. Hodgson) moved an Amendment to the first of the Lords' Amendments to the Bill. To that Amendment the right hon. Gentleman the President of the Board of Trade (Mr. Chichester Fortescue) objected, and, as the House seemed unwilling to accept the words he himself proposed, he desired a delay of a few days in order that he might draw up a form of words which would meet the views of hon. Gentlemen generally. He, however, never withdrew his Amendment, although it was mentioned in the Votes of the House as having been withdrawn.

MR. SPEAKER said, he understood that the Amendment of the hon. Mem-



ber was withdrawn on the occasion referred to, and therefore it was open to the right hon. Gentleman to bring forward the Motion of which he had given Notice.

Mr. W. N. HODGSON remarked that a high authority in the House stated a few days ago that an Amendment moved by any hon. Member must be withdrawn by that hon. Member himself. He had certainly never withdrawn his Amendment, and therefore he trusted it might be considered as still standing for approval.

Mr. SPEAKER stated that the hon. Member was understood to have withdrawn his Amendment, and the Amendment having appeared upon the proceedings of the House as being withdrawn, it must be taken to be so.

Mr. CHICHESTER FORTESCUE said, he had understood, on the occasion referred to, that the Amendment spoken of was withdrawn, and that they were to start afresh. Accordingly, in the fulfilment of his promise, he had placed on the Paper the additions which the Government thought fit to make to the Lords' clause. He wished to explain to the House how the matter now stood. The Bill had been sent up to the other House without any provision such as had been inserted there, because the Government thought that no such restriction on the Commissioners was necessary, inasmuch as the rule of Common Law was, that no Judge should sit on a case if he had any interest in the question involved. He believed that rule would have applied to the Commissioners, if the Bill had passed as it left the Lower House; and there was an additional security, because the Lord Chancellor had the power of dismissing any Commissioner if he thought proper. In the other House, however, it was thought necessary to insert this clause, forbidding any Commissioner to hold any stock in railways or canals. Although he was of opinion that the clause was unnecessary, he expressed his willingness to accept it; but Amendments having been proposed by the hon. Members for East Cumberland (Mr. Hodgson) and East Sussex (Mr. Gregory), a conversation ensued, in the course of which some hon. Gentlemen appeared to think that the Commissioners ought to have no interest in any property which could be the subject of railway carriage. Such an enact-

ment would be useless, extravagant, and mischievous. The only analogy he had been able to discover, even for the Lords' clause, was the enactment that justices of the peace should have nothing to do with the business of baking or brewing; but if an attempt were made to apply to those cases the analogy which seemed to strike certain hon. Members of the House the other evening with regard to the Railway and Canal Commissioners, a magistrate must not only not be a baker or a brewer, but he must not eat bread or drink beer. He had, however, placed on the Paper some additions to the Lords' clause, the first of them being as follows:—

"It shall not be lawful for the Commissioners, except by consent of the parties to the proceedings, to exercise any jurisdiction by this Act conferred upon them in any case in which they shall be, directly or indirectly, interested in the matter in question."

The next provision was that—

"The Commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this provision."

He submitted to the House that by adding those words everything would be done which could be fairly required, and that they would have taken every precaution that could be conceived to be necessary.

#### Amendment proposed,

At the end of Clause A. (Commissioners not to be interested in Railway or Canal Stock), to add the words "It shall not be lawful for the Commissioners, except by consent of the parties to the proceedings, to exercise any jurisdiction by this Act conferred upon them in any case in which they shall be, directly or indirectly, interested in the matter in question."

The Commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this provision."—(*Mr. Chichester Fortescue.*)

Question proposed, "That those words be there added."

Mr. GREGORY said, he had not seen the words of the right hon. Gentleman the President of the Board of Trade when he gave Notice to move an Amendment; and he still thought that no Commissioner should be allowed to engage in any business which would be inconsistent with the provisions of the Act. Now, however, that he had seen them, he thought they would, to a great extent, meet the

object he had in view, and he was therefore prepared to accept them in lieu of his own.

Mr. ASSHETON CROSS said, it was most essential that the new Railway Commission should be one which had the entire confidence of the country, and he had been most anxious that the members of it should have the same position and receive the same salaries as the Judges of the land. Unfortunately, the salaries had not been fixed at that amount. The House of Lords had pointed out that the blot of the Bill was, that it left it open to the Commissioners to be holders of railway stock or traders, and that was a blot which it was most essential to remove. The Amendment, of which the right hon. Gentleman the President of the Board of Trade gave Notice the other day, would not have met the object in view; but he was glad to say that the words of that Amendment had since been modified to some extent. He thought that the words now proposed by the right hon. Gentleman might be fairly adopted, and that some such words as the following should be inserted in addition—namely, that he shall not actively carry on or exercise any trade or business. He would move such an addition.

Amendment proposed to the said proposed Amendment, by inserting after the word "employment," the words "or actively carry on or exercise any trade or business."—(Mr. Cross.)

Question proposed, "That those words be there inserted."

Mr. DILLWYN agreed with almost all that the hon. Gentleman the Member for South-west Lancashire (Mr. Cross) had just said, except with his conclusion. The Bill was an experiment, and everyone was desirous that it should have a fair trial. But if still more stringent limitations were made, it could not succeed; for the Government would not be able to get a good and efficient class of men to perform the duties, and the whole success of the measure depended upon their being able to get the very best men they could. He hoped his hon. Friend would not press his Amendment.

THE ATTORNEY GENERAL also appealed to the hon. Member for South-west Lancashire (Mr. Cross) not to divide

the House upon the Amendment. The great objection to his proposal was twofold. The words were much too wide, and they were also inconsistent with their whole object, for they implied that certain trades were consistent with the provisions of the Bill, by affirming that certain trades were not. Everybody desired that these Commissioners should be independent persons; that they should bring to the consideration of the questions involved impartial minds, and should have the confidence of the public. They would stand in the position of Judges; but the hon. Member was going further in this Amendment than any rule that existed in connection with the Judges. These words would create evils rather than remove them, and he hoped they would not be pressed.

Mr. W. N. HODGSON said, there were two or three objections to the words which the right hon. Gentleman opposite, the President of the Board of Trade proposed. Supposing a Commissioner carried on a large timber trade, or a large iron trade, or a trade in any article of which railways were large consumers, would it not be a contravention of the ordinary principle which regulated the appointment of judicial officers? What would be said if any of the Judges occupied such a position? He thought that the words which he had proposed when the subject was under discussion on a former occasion would meet the case; but he had no objection to the terms proposed by the hon. Member for South-west Lancashire.

Mr. MUNTZ preferred the clause proposed by the right hon. Gentleman (Mr. Fortescue) to any of the Amendments which had been proposed. The words were sufficiently clear. The clause would prevent any Commissioners, except by the consent of the parties exercising any jurisdiction in cases in which they might be personally interested, and further required that they should devote the whole of their time to the performance of their duties. He did not see any reason for further limitation or conditions. The powers granted to the Lord Chancellor, in addition to those of the Commissioners, were a sufficient security to the public. He thought it would be persecution to say that a Commissioner should not carry on any trade or business, directly or indirectly, because he might be a director of a water company,

a gas company, or of a bank. Moreover, in point of fact, the Amendment would not allow a Commissioner to keep a horse or cow, or cultivate a farm.

DR. BALL said, the clause proposed by the right hon. Gentleman the President of the Board of Trade ought to be more clearly drawn. Its terms were that a Commissioner "should not accept or hold any office or employment inconsistent with this provision." "Employment" was not a word much used in legal language, and he should interpret it to mean anything that a man was employed in. His criticism was that the term "employment" was of very extensive import in itself. The business of a carrier was entirely inconsistent with the office, and he thought that every precaution should be taken to prevent any personal interest on the part of the Commissioners clashing with the discharge of their public duties. There was no objection to the three gentlemen who had been appointed, but they ought clearly to define the qualifications as regarded their successors.

MR. MACFIE thought the Amendment of the Amendment did not go far enough.

MR. LAING urged the hon. Member for South-west Lancashire (Mr. Cross) not to press his Amendment to a division. As far as he knew, the railway interest would deprecate any exclusion of the commercial element from the Commission.

MR. DENISON supported the appeal. He should be sorry to see any gentleman deprived of a seat on the tribunal, merely because he might happen to have some commercial interest. He must further say, that as the names of the three Commissioners had been already divulged, an impression might, perhaps, be entertained in some quarters that the objections were aimed personally at one of those gentlemen. Now, he had the fullest confidence in the gentlemen who had been nominated, and believing that the words which the right hon. Gentleman had placed on the Paper would carry out the object in view, he trusted that the Amendment would not be further pressed.

MR. ASSHETON CROSS said, nothing was farther from his intention.

MR. COLLINS thought the Government had exercised a wise discretion in the course they had adopted with respect

to the emoluments of those who were to constitute the railway tribunal.

SIR COLMAN O'LOGHLEN expressed a hope that the Amendment would be withdrawn. He wished at the same time to say a word as to the manner in which the business of the Commission should be conducted with respect to Ireland. There was a strong feeling in Ireland that all important questions relating to that country which might come before the Commission should be decided there, and not here—that in these cases of importance, the Commissioners should go over to Ireland, instead of bringing the witnesses over to England. He trusted the Government might be able to hold out some hope of this being done.

MR. BOURKE was afraid that the 55th clause would enable an unsuccessful litigant to set aside proceedings taken against him, in the event of his being able to show that any Commissioner had an interest, however indirect, in the matter in dispute.

MR. CHICHESTER FORTESQUE admitted, with reference to the remarks of some hon. Gentlemen opposite, that the clause was stringent, but did not think it was too stringent; and he was instructed by the highest authority that it accurately represented the present law on the subject.

MR. TIPPING said, the first consideration was to keep the area of selection as wide as possible, because otherwise the choice of the Government must be limited to a purely professional class.

MR. T. E. SMITH warned the House against tying up the office with too many restrictions. He thought they ought rather to trust to the honour and good feeling of those persons whom the Government should think fit to recommend for the office, than to rely on provisions for keeping out the possibility of any personal interest being connected with the administration, when such provisions would be wholly ineffectual.

MR. ASSHETON CROSS said, he should withdraw his Amendment.

Amendment to proposed Amendment, by leave, *withdrawn*.

Words *added*.

Amendment, as amended, *agreed to*.

Amendments, as far as the Amendment in page 10, line 41, "after 'as,' insert 'general,'" read a second time.

Several *agreed to*.

One amended, and *agreed to*.

Page 11, line 3, "leave out 'may also, if they think fit,' and insert 'shall,'" the next Amendment, read a second time.

**MR. CHICHESTER FORTESCUE** said, it was no doubt in the recollection of the House, that when the Bill was before them in Committee, it was decided that the Commissioners might at their option allow an appeal on points of law, but that that appeal should be imperative whenever the Commissioners were not unanimous. The House of Lords had made the appeal imperative in all cases. He much regretted that change. Even if the Amendment were to be accepted in substance, it went too far, going beyond the properly judicial purposes of the Bill; and it would cover appeals even from arbitrations—a thing unknown at present. He therefore proposed to modify the Lords' Amendment by accepting the word "shall," but inserting after it "in all proceedings before them under sections 5, 10, 11, and 12" (the properly judicial sections of the Act), "and may, if they think fit, in all other proceedings before them under this Act;" thus making the appeal imperative in regard to questions of law, and optional in regard to other questions.

Amendment proposed,

To insert after the word "shall," the words "in all proceedings before them under sections 5, 10, 11, and 12 of this Act, and may, if they think fit, in all other proceedings before them under this Act."—(*Mr. Chichester Fortescue.*)

Question proposed, "That those words be there inserted."

**MR. RATHBONE** hoped the House would not accept the Amendment proposed by the Lords, because it was really calculated to destroy entirely the good effects of the Bill. All the Amendments made by the Lords had been in the interests of the companies and not of the public, and he felt so strongly upon it, that he should divide the House, if necessary.

**MR. ASSHETON CROSS** also hoped the Government would abide by the Bill as it originally stood in this respect.

**THE ATTORNEY GENERAL** differed from the Amendment made in the House of Lords, and he hoped the Amendment of his right hon. Friend would be agreed to.

**MR. CHICHESTER FORTESCUE** said, that as there was no manifestation of feeling on the part of the House in favour of the Lords' Amendment, he was willing to disagree with it entirely.

Proposed Amendment to Lords' Amendment, by leave, *withdrawn*.

Lords Amendment *disagreed to*.

**MR. CHICHESTER FORTESCUE**, referring to the suggestion made by his right hon. and learned Friend the Member for Clare (Sir Colman O'Loughlen) that the Commissioners should hear Irish railway cases in Ireland, expressed his own great confidence that that would be the view taken by the Commissioners, and that they would consult the convenience of the Irish public quite as much as that of any other part of the kingdom. It would be difficult to impose absolute orders on such a body on that subject; but the Bill enabled the Commissioners to make rules and general orders for the proper transaction of their business, which rules and orders would be laid on the Table of the House, and it, moreover, required them to fix on the places at which they would transact it.

**MR. BAGWELL** thought there ought to be some more definite understanding come to that Irish railway business under the Commission should be disposed of in Ireland, and, with that view, would suggest that words to that purpose should be inserted in the Bill.

Subsequent Amendments *agreed to*.

Committee *appointed*, "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendment to which this House hath disagreed:"—**MR. CHICHESTER FORTESCUE**, **MR. ARTHUR PEEL**, **MR. BAXTER**, **MR. GLYN**, **MR. ADAM**, **MR. MONK**, and **MR. CROSS**:—To withdraw immediately; Three to be the quorum.

GENERAL VALUATION (IRELAND)

BILL—[BILL 64.]

(*Mr. Baxter, The Marquess of Hartington.*)

COMMITTEE.

Order for Committee read.

**MR. GLADSTONE** said, it would be for the convenience of hon. Members that this Bill should be taken at a morning sitting, and he should therefore move that it be placed upon the Orders for To-morrow at 2 o'clock. It had already been arranged that the Canada Loan Guarantee Bill would be the first Order, and he proposed to take

the General Valuation (Ireland) Bill next.

Motion made, and Question proposed, "That this House will To-morrow, at Two of the clock, resolve itself into the said Committee."—(*Mr. Gladstone.*)

SIR COLMAN O'LOGHLEN, and several Irish Members, protested against this arrangement, and urged upon the right hon. Gentleman that the Committee should be postponed to Thursday.

Amendment proposed, to leave out the words "To-morrow, at Two of the clock," in order to insert the words "upon Thursday,"—(*Sir Colman O'Loghlen,*)—instead thereof.

Question put, "That the words 'To-morrow, at Two of the clock,' stand part of the Question."

The House divided:—Ayes 47; Noes 25: Majority 22.

Main Question put, and agreed to.

Resolved, That this House will To-morrow, at Two of the clock, resolve itself into the said Committee.

#### POST OFFICE—MAIL CONTRACTS— CAPE OF GOOD HOPE AND ZANZIBAR.

##### NOMINATION OF SELECT COMMITTEE.

MR. BOUVERIE rose to propose that the Select Committee on Cape of Good Hope and Zanzibar Mail Contract do consist of the following Members:—Mr. Dodson, Mr. Benyon, Mr. Leatham, Sir Rowland Blennerhassett, Mr. Waterhouse, Sir Edward Colebrooke, Viscount Sandon, Mr. Holms, and Mr. Goschen.

Motion made, and Question proposed,

"That Mr. Dodson be one of the Members of the Select Committee on the Cape of Good Hope and Zanzibar Mail Contract."—(*Mr. Bouverie.*)

LORD JOHN MANNERS said, that while he had no intention of criticizing any of the names proposed, he objected to the whole mode of nominating the Committee. In his opinion, a Committee appointed to investigate a delicate matter of that sort should have been nominated by the Committee of Selection.

MR. MONK said, he concurred in the views of the noble Lord, and would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned,"—(*Mr. Monk.*)

*Mr. Gladstone*

MR. BOUVERIE said, that there was not a proper body in the House to name Committees of this class. The Committee of Selection were appointed to choose the Members of Private Bills Committees, and he understood that they strongly objected to the function of selecting Public Committees being put upon them. As no objection was taken to the names proposed, he saw no necessity for adjourning the debate.

MR. MONK said, he had no objection to the composition of the Committee.

THE O'CONOR DON, as a Member of the Committee of Selection, said they had the strongest objection to having thrown on them the duty of appointing Committees of this kind, as their duties were properly confined to Private Bills.

Motion agreed to.

Debate adjourned till Thursday.

#### GENERAL VALUATION (IRELAND) [EXPENSES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Expenses of making any Revaluation or Revision, and of all Salaries, Allowances, and other Expenses incurred, in pursuance of any Act of the present Session relating to the Valuation of Rateable Property in Ireland.

Resolution to be reported To-morrow, at Two of the clock.

#### NATIONAL DEBT COMMISSIONERS (ANNUITIES) BILL.

On Motion of MR. BAXTER, Bill to facilitate the payment of certain Annuities for life or years payable by the Commissioners for the Reduction of the National Debt, ordered to be brought in by MR. BAXTER and MR. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 201.]

#### GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACTS AMENDMENT BILL.

On Motion of SIR EDWARD COLERBROOKE, Bill to amend the General Police and Improvement (Scotland) Acts, ordered to be brought in by SIR EDWARD COLERBROOKE and MR. ORR EWING.

Bill presented, and read the first time. [Bill 200.]

House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 24th June, 1873.*

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at a quarter before  
Four o'clock, to Thursday next,  
half-past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 24th June, 1873.*

MINUTES.] — NEW MEMBER SWORN — Hon.  
Charles French, for Roscommon.

SUPPLY—*Resolutions* [June 23] *reported*.

PUBLIC BILLS—*Resolution reported—Ordered—*  
*First Reading*—Highland School Fund [Consolidated Fund]\* [202]; Public Works Commissioners [Loans to School Boards and Sanitary Authorities]\* [203]; Consolidated Fund [Redemption of Charges]\* [204].

*Second Reading*—Canada Loan Guarantee [159].  
*Committee* — General Valuation (Ireland) [64],  
*debate adjourned*.

*Withdrawn*—Registration of Firms\* [59].

The House met at Two of the clock.

## IRELAND—RAILWAYS.—QUESTION.

THE O'CONOR DON asked the Secretary to the Treasury, On what principle the valuation of Railways in Ireland is based, and what is the duty of the Commissioner of Valuation respecting its revision; is he bound to revise such valuation each year or not; whether he can explain the grounds on which the valuation of the Dublin and Kingstown Railway, being £28,213 in 1861, was in 1862 reduced without appeal to £14,809, at which amount it continued till 1871, when without appeal it was raised to £14,995, and subsequently, an objection being lodged against it, was raised in 1872 by the Commissioner, first to £17,032, and then to £26,614, the Line having been leased in 1866 to the Dublin and Wicklow Company at a fixed rent of £36,000; and, whether the Commissioner of Valuation is the same gentleman who seconded the adoption of the report at the half-yearly meeting of this Company in August 1867, and who made a speech at the previous half-yearly meeting,

showing its prosperity and good management?

MR. BAXTER: I have to state that Railways in Ireland are valued upon net receipts, less allowance for interest on capital, tenants' profits, &c. The Commissioner of Valuation has been advised that he should not exercise the power of revising the valuation of railways in each year unless moved to do so by a ratepayer or other interested person. The Dublin and Kingstown Railway Company remonstrated against the valuation made in 1860—£28,213. Their remonstrance was considered to be well founded. Further allowances were made in diminution, and the valuation was reduced in 1862 to £14,809. These allowances have been sanctioned by the Chairman of the County and the Recorder of the City of Dublin upon appeal. There was no re-valuation in 1871. The increase was caused by improvements and additions to stations, whereby the valuation of the buildings was increased. The rent of £36,000 was decided, at the appeal above mentioned, not to be the measure of value of this railway. The lease included not only the railway, but rolling stock, &c., valued at £60,000, which are not rateable, and houses, &c., which are separately rated. The Commissioner of Valuation is the person who seconded the adoption of the Report referred to. He was not then Commissioner. Immediately upon appointment to that duty he parted with every share he held in Irish railways, at a very considerable loss to himself. I regret that my hon. Friend has thought it necessary to ask the last Question.

FRANCE—THE NEW COMMERCIAL  
TREATY.—QUESTION.

MR. CARTWRIGHT asked the Under Secretary of State for Foreign Affairs, Whether he could give any information as to the present position in regard to the pending Treaty of Commerce negotiated with France during the Presidency of M. Thiers; and whether, in presence of the fact that on a recent occasion the Minister of Commerce made a public statement before the French Assembly, in which he directly referred to negotiations with Her Majesty's Government for modifications in that Treaty, he would have any objection to lay before the House any Correspondence

which may have been exchanged on this subject?

VISCOUNT ENFIELD, in reply, said, that Her Majesty's Government had not yet received any official communication from the newly constituted Government of France respecting the Treaty of Commerce negotiated with France during the Presidency of M. Thiers, although they had every reason to believe that the subject was engrossing their serious attention. Instructions had been sent to Her Majesty's Representative at Paris with a view to the due protection of British commercial interests; but up to the present moment there had been no Correspondence on the subject which could be presented to Parliament.

#### CENTRAL ASIA—AFGHANISTAN.

##### QUESTION.

SIR HARRY VERNEY asked the Under Secretary of State for India, Whether the Government is in possession of Despatches or Documents showing the policy intended by Lord Mayo to be pursued towards Afghanistan?

MR. GRANT DUFF: If my hon. Friend, Sir, means to ask whether there are any Despatches in the India Office signed by Lord Mayo, and referring to the affairs of Afghanistan, my answer must be in the affirmative; but I should be much surprised to learn that Lord Mayo had any policy with regard to Afghanistan different from that of the Government under which he acted.

#### PARLIAMENT—ORDER OF BUSINESS.

##### OBSERVATIONS.

COLONEL TAYLOR said, it would be in the recollection of the House that at an early hour that morning the Prime Minister stated that although the General Valuation (Ireland) Bill would be placed upon the Orders of the Day at the 2 o'clock Sitting, yet that the Canada Loan Guarantee Bill would be the first Order taken. He, in common with a great many other Members, was surprised, therefore, on reading the Papers delivered to Members that morning, to find that the Canada Loan Bill was set down as the ninth Order, and the Valuation (Ireland) Bill as the first Order. On coming down to the House he found that this Order of Business had been altered, and that the Canada Loan Guarantee Bill, which was put down on the blue

Notice Paper as the ninth Order, was placed on the white Notice Paper as the First Order of the Day. This had caused very great inconvenience to many hon. Members, and some explanation respecting the discrepancy was due from the Government to the House.

MR. BAGWELL said, it would also be in the recollection of the House that in the course of the discussion which took place at an early hour that morning, all the Irish Members present expressed a wish that the General Valuation (Ireland) Bill should be postponed to Thursday, in order that the attendance of a respectable number of Irish Members might be secured for its discussion. But the Prime Minister with scant courtesy to his supporters on that—the Liberal—side of the House—

MR. GLADSTONE: I beg to ask, Sir, whether the hon. Gentleman is justified in the statement he is making.

MR. SPEAKER: The hon. Member is in Order in putting any Question to the Government supplementary to that raised by the right hon. Gentleman (Colonel Taylor); but he is not entitled to raise a debate.

MR. BAGWELL said, as the First Lord of the Treasury objected to the phrase he had used, he would endeavour to put his Question in words more Parliamentary. He would, therefore, ask the Prime Minister whether he thought it was respectful or just towards Ireland to place upon the Paper for the consideration of the House a measure of such importance as the General Valuation (Ireland) Bill at a time when it was probable that not one Irish Member would be present to take part in the discussion, or whether the right hon. Gentleman thought that that course of proceeding was calculated to reconcile to his policy the Irish Members who had for so long a time supported the present Government?

MR. MUNSTER wanted to know why the Prime Minister had paid less consideration to the wishes of the large body of Irish Members on this matter than he had shown in acceding to a request preferred by a single Gentleman on the opposite side of the House?

MR. GLADSTONE: These Questions appear to me to have in a great degree the merit of originality, because they appear to be speeches with notes of interrogation at the end of them, and I

*Mr. Cartwright*

do not know whether it is possible for me to answer them except in a speech. They refer to matters of opinion, and all I can say is that we have endeavoured to proceed with as much consideration as we could to the general arrangement of Business, which we know entails inconvenience. We deeply regret the inconvenience that may be felt, and that is all I can say upon these questions. With respect to the Question of the right hon. Gentleman opposite (Colonel Taylor), that refers to matters of fact, and he is entitled to some explanation from us. We have no explanation to render as far as regards our own proceedings; but we have endeavoured to inform ourselves upon the matter. The right hon. Gentleman has said truly that it was stated at an early hour this morning that the Canada Loan Guarantee Bill would stand as the first Order of the Day; and I may add that that was also stated at the commencement of Business yesterday and on Friday last. I have no doubt, therefore, that the House fully expected to see it in that position on the Paper this morning. As far as the Government is concerned, I need not say there was no change of intention on their part, which, indeed, would have involved great disrespect to the House and the greatest want of courtesy to hon. Members. The Secretary of the Treasury, as far as he is concerned in the dissemination of information, is perfectly without reproach, and, as might have been expected, there has been no failure or omission of duty on the part of the officers of the House. It appears that the discrepancy has been a pure error of the printer; and it is only fair, in throwing the responsibility upon the printer, that I should render my testimony to the extraordinary accuracy with which the proceedings of the House, often of a hurried and complicated character, taken during late hours of the night, are produced in the printed Papers next morning, and circulated among Members all over London.

#### CANADA LOAN GUARANTEE BILL.

(*Mr. Bonham-Carter, Mr. Knatchbull-Hugessen, Mr. Baxter.*)

[BILL 159.] SECOND READING.

Order for Second Reading read.

MR. KNATCHBULL-HUGESSEN, in moving that the Bill be now read a

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second time, said, there had been two objections taken to the measure, one of them founded upon the general objection to guarantees, and the other upon an allegation that the present proposal was a bribe to the Canadian Legislature, in order to induce them to consent to the Fishery provisions of the Washington Treaty. It was no part of his duty on that occasion to defend the general principle of Colonial guarantees—in fact, he should be ready to accept entirely the speech upon that topic which was made some years ago by his right hon. Friend at the head of the Government, in which he stated his objection to these guarantees. But even in that speech the right hon. Gentleman was too wise and too far-seeing not to know that no general rule could be laid down upon such a subject, which would not be liable to exception, and stated accordingly that such guarantees should not be given except for objects of broad general policy. For such objects this Bill was now submitted, and the allegation that the guarantee was in the nature of a bribe was not very complimentary to Her Majesty's Government or to the Government of the Dominion. One of the conditions on which the confederation with British Columbia was arranged was that the Government of the Dominion should be responsible for the construction of a railway which should connect the seaboard of British Columbia with the railway system of the Dominion. With a debt of some \$80,000,000 and with a revenue of about \$20,000,000, it was no light thing to incur that responsibility; but the circumstances of the case fully justified the action of the Canadian Legislature, because to the confederation of our North American Colonies and the consequent development of their internal resources and increase of population, the far-seeing statesmen of Canada rightly looked for the future progress of their country and the best means of consolidating it upon such a basis as would certainly lead to its permanent wealth and prosperity. Nor must it be supposed that England was entirely uninterested in this matter. With the exception of the Netherlands, there was no country which in proportion to its population took more of English goods than Canada, and if the natural results of the construction of a great railway like the Pacific Railway



should follow, if traffic should be developed and population increased, it was hardly possible to doubt that there would be a corresponding increase in the importation of English goods. He did not recommend the guarantee to the House upon that ground; but it was a point which should not be forgotten when they came to the general consideration of this question. Having undertaken the construction of the railroad, the Dominion had certainly done her part. She had given 50,000,000 acres of land for the main line, 25,000 acres per mile for the branch line to Lake Superior, and 20,000 acres per mile for the branch to Manitoba, and she was about to give a subsidy of \$30,000,000 for which in part she now asked the guarantee of England to enable her to raise the money on better terms. Not that the construction of the railway was made to depend upon the guarantee. It was no such thing. It was merely a question of the saving of interest. With regard to the advantage which the guarantee would be to Canada, Sir Francis Hincks, speaking on the 30th of April, 1872, stated that to float a loan of \$40,000,000 the Dominion would have to pay 6 per cent, whereas with half the amount guaranteed by England she would be able to float her own 5 per cent bonds at par, and the guaranteed half could be raised at 4 per cent, making a saving upon the whole of  $1\frac{1}{2}$  per cent, or equal to \$600,000 a-year. This country would not depend upon, nor was it asked to guarantee, the success of the railway; and upon this point he asked hon. Gentlemen not to be led away into a discussion on the particular line of railway which had been adopted. He had heard in private conversation many persons advocating one or other particular line and speaking about alternative lines, and maintaining that the line sanctioned by the Government of the Dominion was not likely to succeed; but that was part of the question which it was not the business of that House to discuss. The particular line to be adopted and all the arrangements with reference thereto were emphatically questions for the Government of the Dominion to decide, and with which we had nothing to do. Their business was to see that the English taxpayers were safe. That had been taken care of, because their guarantee was the whole of the revenue

of Canada, which was in a most flourishing state. This measure had nothing whatever to do with the Fishery provisions of the Washington Treaty, nor had it indeed anything at all to do with the provisions of that Treaty. The negotiation would have occurred even if there had been no High Commission, and in fact the transaction out of which it came occurred months before the appointment of the High Commission. The House was perfectly aware of the facts connected with the Fenian raid in Canada. In 1870 the Postmaster General of Canada was sent to this country to bring under the notice of Her Majesty's Government various questions connected with the Dominion, and Lord Kimberley, writing to Sir John Young, now Lord Lisgar, on the 27th of July, 1870, with reference to an interview with that gentleman, used these words—

"Mr. Campbell pressed strongly upon me that a representation should be made to the United States Government with reference to the late Fenian incursion into Canada, which has awakened such just feelings of indignation in the Dominion, and he urged the claims of Canada for reparation for the losses which she has sustained by that incursion. Her Majesty's Government have carefully considered what steps it would be advisable to take in this matter, and I have to acquaint you that they are of opinion that, in the first instance, your Ministers should draw up a full and authentic statement of the facts, and of the claims which they found upon them; this statement should be transmitted by you to Her Majesty's Government, in order that it may be laid by them before the Government of the United States."

The argument of Canada was that having no control whatever over the affairs of Ireland she had been, in consequence of certain events which had discontented persons connected with that country, exposed to a raid from the territory of a neighbouring Power, and that under these circumstances some one must be responsible for the losses she had incurred. When these claims had been brought under the notice of the British High Commissioners, the American Government declined to allow them to form part of the reference to arbitration, and Lord Kimberley, writing on the 20th of June, 1871, said it was with regret we acquiesced in their omission from the general settlement of outstanding questions; but it was evident that the British Commissioners were right in thinking that there was no reasonable probability for further pressing the point of coming to an agreement with the American Com-

*Mr. Knatchbull-Hugessen*

missioners in regard to it. There being a prospect of the settlement of all the other differences between the two countries upon terms honourable to both. Her Majesty's Government thought it better to waive the question of the Canadian claims rather than lose the opportunity of settling differences which they had been striving for years to get rid of. There was no doubt some discontent in the Dominion at the course which was taken; but Her Majesty's Government felt it their duty to adhere to their determination; and on the 20th of January, 1872, the Canadian Government drew up a Minute, which was forwarded to this country, in which the proposal of the guarantee was made. Let it be observed that this was not an offer made by Her Majesty's Government to Canada, but, on the contrary, it was the Government of the Dominion who proposed it to us. His idea of a bribe was an offer by some party to another party in order to induce the second party to do something which was desired by the first; but in this case the Government of the Dominion were quite ready to do that which Her Majesty's Government desired without any consideration. But they desired to have this question of the Fenian raids, a question between Canada and ourselves, separate and distinct from other questions, settled at the same time with the Treaty, and they accordingly made this proposal. By a telegram just received he was able to say that Proclamation had appeared in *The Canada Gazette* to the effect that the Treaty provisions would take effect on July 1st, so that Canada had performed her part, and it only remained for the House to decide upon the proposal before them that we might perform ours. But though this was proposed as a settlement of all questions between Canada and ourselves, it was not an abandonment of these claims on our part, and if we chose to-morrow to advance claims against the United States in respect of the Fenian claims, there was nothing to prevent us from doing so. We did not require to bribe the Canadian Parliament to assent to the provisions of the Treaty—the Fishery provisions of the Treaty were always popular in the districts affected by them, and the opposition came from the inland provinces, who desired to wring from the United States a policy more favourable

to themselves in reference to the Reciprocity Treaty. That was a great mistake; for the refusal to renew the Reciprocity Treaty had, like the removal of protective duties in this country, given an immense impulse to trade; and measures had been taken which must materially increase the prosperity of Canada. But with respect to the question of "a bribe," he would quote the words of Sir Francis Hincks in the same speech to which he had already referred. Sir Francis Hincks, speaking as the Finance Minister of Canada, said—

"The idea of asking money as a bribe was never thought of, but there was a claim on some one for Fenian losses, and the Imperial Government recognized the fact that they had incurred a responsibility to Canada on that account. True, the admission was very guarded, and it is very doubtful whether any amount worth consideration could have been obtained. At all events, the Dominion Government had not the slightest doubt that the best mode of settling these claims was by guarantee, and they deemed it expedient to announce their intention of proposing the measures necessary to give effect to the Treaty concurrently with the proposal for a guarantee."

The House would observe that this guarantee was of a twofold character. There was the £2,500,000, the origin of which he had explained, and there was a sum of £1,100,000 proposed to be transferred from the purpose for which it was intended in 1870—the purpose of fortifications—to the more peaceful purpose of the execution of works of internal improvement. It was not to be supposed that Canada abandoned all idea of fortification. She took the responsibility upon herself, and desired, as she had a right to desire, to choose her own time for the erection of fortifications when she should deem them necessary. Upon this matter Her Majesty's Government had had the advantage of consulting the late Sir George Cartier, upon his recent visit to England, in his capacity of Dominion Minister of Militia and Defence. And here he paused for a moment to pay a tribute of respect to one who was a most worthy son of Canada and a valuable servant of the Crown, of great and conspicuous ability—of highly cultured mind and powerful intellect. He reckoned it a privilege to count among his personal friends Sir George Cartier, whose loss would be severely felt by the country which he served. The wise, loyal, and patriotic way in which Sir George Cartier exercised his justly great influence over those of his own origin and religion in

Canada would be long remembered; and, although he had passed away from among us, his example would still be felt, and the sentiments which he held, and the opinions which he cherished, would find their place in the hearts of very many of the population of the Dominion. It was Sir George Cartier's opinion that this transfer of the Canadian Fortification Loan should be made; and, indeed, that the true fortification of Canada would be found rather in the development of her internal resources, the improvement of her internal communications and the bringing of population to her shores, than in the erection of half-a-dozen fortresses at double or treble the expense. He felt confident that the sentiments which Sir George Cartier inspired and the opinions on which he acted had not died with him. They were widely diffused throughout the Dominion of Canada, and he felt sure that, though there were few who could emulate the brilliancy of Sir George Cartier's talents, there were many who would follow the example of his loyalty. Sir George Cartier came to this country and brought this subject specially under the consideration of Her Majesty's Government. It was never the intention of the Canadian Government to abandon altogether the idea of the fortifications; she made herself responsible for them, and Her Majesty's Government thought, and no doubt the House would also think, that it was right to leave Canada to judge for herself when the fortifications should be made. When Canada desired that this loan should be devoted to other purposes Her Majesty's Government exercised a wise discretion in assenting to it. The true policy of Canada depended not on the erection of a fort here and there, but on developing her resources, and he believed the people of Canada would do more for the defence of that country by making this railway than if they were to construct half-a-dozen fortifications. He wished the House distinctly to understand that in assenting to the second reading of this Bill they were neither approving nor disapproving the policy of the Treaty of Washington, but were merely giving to the people of Canada a cordial expression of that goodwill which the people of Canada richly deserved. He had been sometimes taunted with speaking too warmly on the subject of the Colonies, and attri-

buted too high a value to the connection between this country and her colonies. But he had nothing to retract or qualify, and he could not but speak warmly of those who had so often proved their affection to Great Britain. Throughout these proceedings the Canadian people had followed a wise and patriotic course. They had shown an unswerving loyalty to the British Crown and a devoted attachment to British connection. It was not because he believed the material prosperity of Canada would be affected by the proposed guarantee—not because of the value of the gift, but rather as an earnest of our cordial goodwill and kindly feeling to the people of Canada that he recommended this Bill to the House.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Knatchbull-Hugessen.*)

SIR CHARLES W. DILKE—Mr. Speaker: By no effort on my part could I put my case against this Bill in a better position than that in which it stands at this moment, after the defence made by my right hon. Friend. I am sorry that the right hon. Member for North Staffordshire (Sir Charles Adderley) is not in his place. In 1867 the then Conservative Government proposed a guarantee of a railway loan for Canada. The right hon. Gentleman the Member for North Staffordshire, in moving the Resolution, spoke as follows:—

"not one word would fall from him approving in the abstract of guarantees of colonial loans. He had always thought, and whenever the subject was under consideration, as it had been too often, he had expressed his decided opinion, that they were a feature of the worst possible relations between this country and the colonies, bad enough for this country, but still worse for the interests of the colonies. He sincerely hoped that this colonial guarantee would be the last proposed to Parliament, or if proposed, the last that Parliament would be disposed to grant."—[3 *Hansard*, clxxvi. 736.]

The right hon. Gentleman went on to give the most binding pledges on the part of Canada as to the application of the money—pledges of which we since have seen the value. The present Chancellor of the Exchequer, who opposed the guarantee, said that the chief argument in its support was that we had—

"in some degree debauched the minds of the colonists by being over-ready with our men in defending them, and over-ready with our money in the way of military expenditure. This is all exceedingly true; but how does this prove that

*Mr. Knatchbull-Hugessen*

we ought to guarantee them £3,000,000 more. It seems to me that the argument goes exactly the contrary way. If we are to teach our colonies self-reliance, and if they are really to undertake their own defence, we should not commence by furnishing them with British credit."—[*Ibid.* 759.]

After this strong speech the right hon. Gentleman divided the House against the guarantee, but without success. In 1869 an hon. Member rose in this House, and showed in the most conclusive way that in spite of the strong provisions by which the application of the loan had been guarded, the money had been misapplied. Instead of being employed upon the railway, a portion of it had actually been spent in redeeming the debts of the Dominion. The most that the Prime Minister could find to say in defence of the conduct of the Canadian Government was that "the Act of Parliament was not a clear and satisfactory Act of Parliament." A second debate took place upon a similar subject in 1869, on the second reading of the Canada (Rupert's Land) Loan Bill. This Bill was defended by the Government upon the ground that it grew out of negotiations which had begun in 1865. The hon. Member for Gloucester (Mr. Monk) and myself, in opposing that Bill, said that we did not intend to divide the House provided that we obtained a distinct pledge for the future. We pointed out that the Premier had expressed strong objections to the principle of guaranteeing loans to colonies, and the Premier told the House, in reply, that—

"He did not recede from the expressions which had been referred to by his hon. Friend the Member for Gloucester. He was ready to repeat them . . . but, the Government wished to wind up the old system and see the North American colonies make a new start in colonial life; and we could not have extricated ourselves from the vicious system to which he had referred without paying for it. Neither in public nor in private life could one escape the consequences of former errors without some cost. To put an end to the old system once and for all, the Government made arrangements with Canada which bound them to ask Parliament to assist the North American Provinces with the Imperial credit. . . . That was not to be a beginning, but an end."—[3 *Hansard*, cxviii. 1329-30.]

In 1870 there was another debate upon a Canadian guarantee—the fortification loan—which again was only proposed as part of the arrangement made in 1865, and, in the debate, when a quotation was made by my hon. and learned Friend

the Member for Oxford (Mr. Harcourt) from the speech of the Chancellor of the Exchequer in 1867 against colonial guarantees, the Premier replied that he entirely approved of those views, but that he regarded the fortification loan as part of an old case. So much for the modern history of colonial guarantees, from which it appears that both front benches are deeply pledged to propose no more. Now, Sir, let us look for a moment at what may be said in the abstract of colonial guarantees. We must look at them as though we might some day be called upon to pay the money. We should look at them as reducing our own credit, while they raise that of the colonies concerned. We should look at them as an individual would at a bill that he was asked to back. Each colony can borrow upon those terms to which its own credit entitles it, and when we make use of our credit to assist a colony to borrow on easier terms than its own credit can command, we should remember that we directly encourage extravagance in the colony itself, and, also, that if we are to lend the colonies our credit, they should, on the other hand, take upon them a portion of the interest of our debt. Lord Granville was stating the opinion of the present Government on these guarantees, when, on the 10th of May, 1870, he wrote that the Government did but repeat

"the settled judgment of Parliament in stating their opinion that except for the most special reasons the practice of guaranteeing loans to self-governing colonies is generally injurious to them, and also to the parent State."

From this survey of the history, and examination of the merits of colonial guarantees, we may, I think, assume that, so strong are the arguments against them, that, this new Canadian loan of £3,600,000 will probably be defended, in part at least, as a payment to Canada for services rendered by Canada to us. Let us turn to the Correspondence. In it we find a number of subjects muddled together, which have no conceivable connection. The Canadians state their grievances in reference to the withdrawal of the troops, the Fenian Raids, the trespasses on their Fishing grounds, and the Pacific railway. As for the troops, their withdrawal was contemplated, and discounted, as it were, in the discussions on those previous loans to which I have

made allusion. There remain three other points. As to the Fisheries and the Fenian Claims, Canada made complaints against America, which we took upon ourselves to refer to a Commission. There results a Treaty which deals with the Fisheries case. In his despatch of 17th June, 1871, Lord Kimberley shows that the Treaty is a fair one towards Canada, and cuts away from under the feet of the Government one argument which they might have used in support of the guarantee—namely, that it was a payment made to Canada for concessions as to the Fisheries, without other consideration, and for the benefit of England. There is no need that I should go into the arguments by which Lord Kimberley showed that Canada was no loser by the Treaty. They may be right, or they may be wrong, but no one can deny that they are in the despatch—that they bind the Government, and that they force us to believe that the Government does not look upon this guarantee as a payment for concessions on this point. In another despatch Lord Kimberley repeats that the Government remain of the opinion, “that, looked at as a whole, the Treaty is beneficial to the interest of the Dominion.” What was the Canadian reply? why, simply this—that they would not accept the Treaty unless we gave them £4,000,000. Lord Kimberley’s despatches are long; the Canadian despatches are all short; but Lord Lisgar’s despatch of the 22nd of January of last year is a model of brevity—

“He has the honour to enclose a minute of the Canadian Privy Council, which conveys the reply to Lord Kimberley’s despatch, and urges the request of an Imperial guarantee to a Canadian loan, not to exceed £4,000,000. This proposal the Council recommend as in their opinion the best mode of adjusting all demands on the score of the Fenian Claims, and of surmounting the difficulties in the way of obtaining the consent of the Canadian Parliament to the Treaty.”

What was the answer of the Government? Why, that they would not give £4,000,000, but £2,500,000, or, if the fortification guarantee was surrendered, then £3,600,000, and this on the understanding that Canada abandoned all claims on account of the Fenian Raids. Not a word about the Fisheries—the application for the first time was put wholly upon the Fenian Raids. That is to say, that if Canada had any legitimate claim upon the United States,

arising out of the Fenian Raids, we prefer to make it good ourselves rather than ask the United States for the money. Why? Because, if we did not pay, after refusing to ask America, the Canadians would reject the Treaty. That is to say, we are buying our Treaty from Canada, buying it for whatever the peace and quiet we get from it are worth. Now, Sir, it has been maintained that this loan is a loan for the purpose of aiding the general development of Canada, and not a bribe. How can that view be maintained in face of the Canadian despatch of 15th April, 1872, in which Canada states its case as follows:—

“It appears that, on their part, Her Majesty’s Government will engage, that, when the Treaty shall have taken effect, by the issue of a proclamation they will propose to Parliament to guarantee a Canadian loan, on the understanding that Canada abandons all claims upon England on account of the Fenian Raids.”

I really am at a loss to conceive how it can be said, after the receipt of this despatch, that this guarantee is not the payment of hush money. I refuse to go into detail as to the manner in which the money, when obtained, is to be expended. It does not matter what they do with it. I am told that they intend to spend it on a productive railroad through a howling wilderness, and that much jobbery is connected with the scheme, but my hon. Friend the Member for Wenlock (Mr. Brown) will give the House information upon these points. All that we have to ask ourselves is whether they ought to have the money. The naked fact is this—that you think the Fenian claims fair claims, else you would not venture to ask at all for this money—that these claims, which you think fair claims, you have refused to press, and that you give Canada hush-money to say no more about them. How far are you going to carry this principle? It is because I do not know to what extent the precedent is to be applied that I move the rejection of the Bill.

MR. BROWN seconded the Amendment, for reasons stated by the hon. Member for Chelsea, but in addition to those reasons he would point out that this Bill guaranteed, not only the principal, but the interest. It was most improbable that the line on account of which this guarantee was to be given could ever command a remunerative through traffic. There would be

*Sir Charles W. Dilke*

three competing lines, one of which was already completed, while the other two were in progress. The land grants in connection with this line were worthless, because the country was without population, and must remain without it. Dividing the line into three principal sections, in all, except the Vancouver section, the line passed through a wild country, where the climate was of a most severe and even frightful character. He spoke from experience of the Red River district—from 300 to 400 miles south of the tract of the proposed line—and even that district would never attract emigrants in any large numbers, because of the severity of its winters and the fearful storms with which it was visited. It had been supposed that there might be a through traffic derived from the port of Quebec; but Quebec was for many months of the year blocked up with ice, and a line there could not successfully compete with American lines, which could run winter and summer. No doubt on the western portion of the line the country was a very much better one; but emigration to that country must come from the seaboard, and could not be developed along such a long line of country by a single railway. In addition to this there were great engineering difficulties to overcome, which must cost much money; and he hoped that the Government would withhold their hands from this guarantee until they saw a chance of it becoming a commercial success.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Charles Dilke.*)

MR. R. N. FOWLER said, he thought that the Canadian Parliament might be trusted to decide the question whether this line of railway was the best one that could be proposed. He had heard very different descriptions of the country from that just given, and he would remind the House of the evidence given on this subject before the Committee of 1857. He ventured to say that the construction of the line would involve this country in no risk whatever. All we were asked to do was to guarantee the money simply because we could borrow cheaper than Canada could, and the construction of such a line would be most important to the prosperity of the district and the

development of its resources. The question ought not to be looked at apart from the great attachment which Canada had shown to this country. Because this was a loan which involved no risk to the people of this country, and because, even if it did involve a risk, it was the interest of the Empire that some sacrifice should be made in order to preserve our relations with our colonies, he would cordially support the second reading of the Bill.

SIR DAVID WEDDERBURN lent the Bill a reluctant support, solely on the ground that it repealed the Canada Defence Loans Act, which authorized a scheme burdensome to Canada, irritating to the United States, compromising to this country, and altogether futile as a plan for the defence of Canada.

SIR HARRY VERNEY said, he should vote for the second reading of the Bill. He believed that nothing could be more important to Canada than the proposed line of communication, of which nature already, by means of water, furnished one-half. No doubt for 500 miles, from Lake Superior to Fort Garry, there was a bad kind of country; but beyond that the country was of a most favourable kind. Further, the political advantages of the railway could not be over-stated.

MR. GLADSTONE said, he was glad to see that the House generally appeared to be favourable to the measure; but he felt, at the same time, that the speeches of the hon. Members who moved and seconded the Amendment (Sir Charles Dilke and Mr. Brown) ought not to pass without a word from him, signifying how entirely the Government sustained this proposal which had been made by his right hon. Friend near him (Mr. Knatchbull-Hugessen) on the part of the Dominion of Canada. The question between those who opposed the measure and the Government was capable of being reduced to a very narrow issue. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) described the measure as a scheme for our guaranteeing on behalf of the Dominion of Canada a loan of £3,600,000; but, in so doing, the hon. Baronet was inaccurate, inasmuch as £1,100,000 of that sum represented the amount we had already guaranteed for a loan of money to be expended on military works for the defence of Canada; and the present pro-

posals, as far as that sum was concerned, was merely to appropriate it to the construction of works of peace and internal development, instead of military works. As to the expediency of this part of the proposal, he thought there would not be much dispute. The main question in dispute, therefore, was as to the new guarantee of £2,500,000, and he wished to state what the views of the Government with regard to the nature and character of this guarantee were. In the first place, the Government did not think that a vote of the House in favour of the Bill could be taken as implying or conveying any sort of approval on its part of the policy which the Government had pursued with regard to the claims of Canada on America with reference to the Fenian Raids. If the House were to pass this Bill, it would still be open to it to challenge the proceedings of the Government with regard to those claims in any way it pleased. The House might challenge the conduct of the Government in that matter on two grounds—first, it might ask were the Government right in removing the Canadian claims to compensation in respect of the Fenian Raids from the scope of the negotiations at Washington—on which subject up to the present moment the House had expressed no opinion whatever—and, secondly, were the Government right in not having up to the present moment urged upon the United States any pecuniary claim on behalf of Canada in respect of the Fenian Raids, independently of the Treaty of Washington? Those questions it was perfectly open to the House to discuss; but they were in no way connected with or involved in the present proposal. The aim of the present proposal was to place Canada outside entirely any question as to Fenian Raids. Neither had the House anything to do with the former guarantees at the present time. All arguments *ad homines* founded on the speeches which had been made on former occasions passed innocently over the heads of the Government because they referred to distinctly different matters. The guarantees of 1867, 1869, and 1870, to which the hon. Baronet who moved the Amendment referred, were the price which we had had to pay for extricating ourselves from a false and mischievous colonial policy, and those guarantees had most vitally

and essentially aided us in getting rid of that policy. This guarantee had nothing to do with the very important question which had been argued by his hon. Friend the Member for Buckingham (Sir Harry Verney) and his hon. Friend the Member for Wenlock (Mr. Brown), as to the goodness or the badness of this railway scheme. What they had to look to was the credit of Canada, and all that the nation guaranteed was the credit of Canada. In Canada, where there was an object in binding men together in remote points on the surface of the earth, there was something to be considered beyond the dividend; but the English nation had nothing at all to do with the railway. It was not for the House to question the judgment of the Government of Canada with respect to a great internal undertaking of this kind. He must say, however, parenthetically, that his hon. Friend the Member for Buckingham had not taken a true view of that matter. If the Government and people of Canada were disposed to undertake some risk for the purpose of constructing a railway which they thought was a great political and national object, they should rather gain credit and applause at our hands than adverse criticism. It had commonly been said that this guarantee was a bribe to Canada, or that it was "hush money" to Canada, or a payment to Canada for services rendered. In the view of the Government we had no right to dogmatize on the matter, or to dictate to the Parliament or the Government of Canada in what light they should view it. But he submitted that it was no bribe, no "hush money," and no payment for services rendered. It was not a reward to Canada for her acknowledgment of the Washington Treaty. The Treaty of Washington was recommended by Her Majesty's Government to Canada upon its own merits. They believed it would be most valuable to Canada on its own merits. Her Majesty's Government had never hinted that there was any connection between this guarantee and the Washington Treaty further than this—that Her Majesty's Government were not willing to enter into any arrangement except a complete one; and, consequently, it was their opinion that the whole matter as between Canada and the United States should be disposed of.

Mr. Gladstone

Now, what was this guarantee which Her Majesty's Government proposed to Parliament? It was the acknowledgment and the liquidation of a just debt. That was a debt which Her Majesty's Government proposed to liquidate in the form of money; but the Government of Canada represented to them that if the liquidation were put in the form of a guarantee it would be more acceptable and more beneficial to Canada. They had acknowledged the debt, and they would have to pay it; and the question was, whether the House of Commons would adopt and affirm that portion of the proceedings of the Government? Was the debt a just one? In the view of the Government it was clear that Canada suffered pecuniary losses from the Fenian Raids. Did she so suffer in consequence of anything she did or omitted to do? On the contrary, she suffered exclusively and entirely on account of her connection with England, and we had acknowledged this as constituting a just claim against us. Therefore, this question had nothing whatever to do with colonial policy. He therefore hoped that the House would consider the proposal of the Government to be a right one, and as such he hoped the Bill would meet with approval.

MR. MACFIE said, they had been told that Canada ought to judge for herself upon the subject of defence; but, in his opinion, this was decidedly an Imperial question. He hoped the report of this debate, when it reached Canada and our other colonies, would show that the mother country had a regard for all her colonies, and would inspire a wish in the colonies for the existence of a confederation in which the colonies would pay their fair share of the burdens which belonged not merely to the mother country, but to the colonies also.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 117; Noes 15: Majority 102.

Main Question put, and agreed to.

Bill read a second time, and committed for Thursday.

# GENERAL VALUATION (IRELAND) BILL.—[BILL 64.]

(Mr. Baxter, the Marquess of Hartington.)

## COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Baxter.)

MR. KAVANAGH moved that the Bill be referred to a Select Committee, his object being to secure for this Bill the mature consideration which its importance deserved, and to save it from being hustled through the House on a day when it was known long before that many Members would not be present to discuss it. The Bill raised a number of most important points, and ought to be well considered in its details, which could only be done by a Select Committee. The Chief Secretary for Ireland proposed to insert in the Bill one of the most extraordinary clauses ever seen. The real meaning of that clause was that this Valuation Bill should increase the property of landlords for the sake of taxation, while leaving tenants altogether untouched in that way. That was very like making fish of one and fowl of another. The proposal of the noble Lord (the Marquess of Hartington) was not a practicable one, and, tried by the light of right and wrong, it was iniquitous.

MR. M'CARTHY DOWNING, in seconding the Amendment, said, he thought he never read a Bill which better deserved to be referred to a Select Committee. If it were passed in its present shape it would give rise to much litigation, and the Judges themselves would be puzzled to interpret it. He held in his hand several Acts of Parliament which this Bill would affect. Repealing some 48 clauses and retaining 17. Even the smallest bit of patronage was not to be left under the Bill to those who were responsible for the peace and tranquillity of Ireland; but the whole was to be centred in two or three Lords of Her Majesty's Treasury, one of whom, no doubt, would be the Chancellor of the Exchequer, in whom the people of Ireland placed the most implicit confidence. [A laugh.] Was this, he asked, a day on which such a Bill as this ought to be brought forward—a day on which the great body of the Members of the House



of Commons were taking a holiday? The object of the Government was to get the Bill passed in a thinly-attended House; and it reminded him that the 17 *Vic.* which transferred powers always previously exercised by the Lord Lieutenant of Ireland to the Lords Commissioners of the Treasury, must have been smuggled through the House at a time of the night when most of the Members had left and were in their beds. This Bill involved a departure from the system of valuation which had been in operation since 1826, and he must enter his emphatic protest against proceeding with so important a measure at this advanced stage of the Session. Under the clause of the noble Lord referred to by the hon. Gentleman opposite (Mr. Kavanagh) the tenant would have to pay his proportion of any addition that might be made to the taxation of the country, and the clause was naked justice, without it the tenant would lose a large portion of those rights conferred on him by the Land Act. The Bill raised important questions, similar to those arising on the Bill which the President of the Local Government Board had introduced with respect to England. It was doubtful whether the English Bill could be passed this year; and instead of attempting to legislate for Ireland at this period of the Session it would be better to wait, and meanwhile have this measure properly considered by a Select Committee. There had been three or four Select Committees appointed lately, on no one of which had an Irish Member been appointed; and, for his part, he should have been glad if he had the opportunity of even being a listener on one of those Committees. There were many points which required consideration in legislating for Ireland upon this subject. According to the present law no re-valuation could be made without the assent of the Grand Jury of the county, but that provision was left out of this Bill, and it was now proposed that a re-valuation might be made at the end of 14 years at the will of the Commissioners of the Treasury. He objected to giving to the Commissioners of the Treasury a power of this kind, which might upset the relations between landlord and tenant. He had placed Amendments on the Paper with the object of restoring this Bill as far as possible to

the footing of the Acts which it was proposed to repeal; but he hoped the Government would not persevere with the Bill.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be referred to a Select Committee,"—(*Mr. Kavanagh*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BRUEN inquired for what reason this Bill had been brought in. A hint which had fallen from the Secretary of the Treasury suggested that a grievance existed in the North of Ireland; but, for his part, he believed no other reason was to be assigned for its introduction than the necessity of an increased flow of money into the Treasury, caused by the policy of the Government which had stinted that flow lately. Not a single Grand Jury had asked for a measure of this kind. He had opposed the second reading of the Bill, and he now cordially supported the Amendment of his hon. Colleague (Mr. Kavanagh). It was impossible to deal with the details of this measure in a Committee of the Whole House. Not only could the details of the Bill be best considered in a Select Committee, but it would be a waste of time to discuss them in the House, particularly as it was unlikely the Bill could pass this Session, and many Irish Members must soon absent themselves from Parliament in order to discharge other duties. He hoped that the Government would consider the question, but not as a party one.

MR. MUNTZ said, he could not understand why there need be separate legislation for Ireland on this subject until he discovered in this Bill a clause the introduction of which into the English Bill, the Government, with their dead-weight supporters, stoutly resisted; and then he inferred the reason for dealing separately with Ireland was that, if anything went wrong there, there would be a row. He asked why the Government had left stock-in-trade out of this Bill, and, though he opposed the reference of the English Bill to a Select Committee, he found so little knowledge of the subject displayed in Committee of

*Mr. M'Carthy Downing*

the Whole House that he would vote for referring this Bill to a Select Committee.

MR. BAXTER said, that one reason for dealing separately with Ireland was that it had possessed for a long time a system of valuation superior to that of England; and, as its system of valuing machinery worked extremely well, he had, at the unanimous request of the Irish Members, consented to omit the stock-in-trade clause. The Government had no intention to deal with this as a party question. He did not see why a Committee of the Whole House should not dispose satisfactorily of the Amendments of which Notice had been given. He failed to gather from the speech of the hon. Member for Carlow (Mr. Kavanagh) reasons for sending this Bill to a Select Committee; because all those hon. Members who had given Notice of Amendments on the Bill were in their places, and therefore there was no reason why the subjects contained in the Bill on which there was a difference of opinion should not be discussed at once. A great objection to sending the Bill before a Select Committee was that all the points in it that might be settled upstairs would have to be re-discussed in that House when the Bill came down again. Only those measures which involved dry and technical details which could not be conveniently discussed in that House ought to be referred to a Select Committee, and therefore he hoped that the House would consent to go into Committee upon the Bill.

MR. C. E. LEWIS said, he thought that the right hon. Gentleman (Mr. Baxter) had done his best on the part of the Government to meet the conflicting wishes of various Irish Members. It was difficult to discover what subjects should be referred to a Select Committee; but they had found recently that when the mistakes or the peccadilloes of a Government Department were brought before the House the Government thought these were proper subjects to go to a Select Committee. When the question whether a contract had been imprudently made by a Minister, or whether a great Government Board had acted justly, was brought before the House, some right hon. Gentleman behind the Treasury bench rose and proposed that it should be referred to a Select Committee. He (Mr. Lewis) thought that these were subjects eminently fit for discussion and

decision in the House. This Bill, however, involved a number of questions of dry and technical detail, and these, he contended, were matters which could be best discussed by a Select Committee. He trusted that on this occasion the Members for Ireland would be found voting together, and that the matter would be referred to a Select Committee.

THE O'CONOR DON joined with the hon. Member who spoke last, in expressing his obligations to the Secretary of the Treasury for the desire he had manifested on all previous occasions, to convenience the Irish Members, but he regretted that the Bill had been brought forward that day, when so many were unavoidably absent. He was perfectly convinced that English Members did not understand the bearings of this Bill. For the last few weeks the House had been engaged, day after day, in most careful investigations and interesting discussions as to the principles on which certain classes of property should be rated in England. The principles on which mines, woods, game, fisheries, and other classes of property should be valued for rating purposes had all been most carefully considered and exhaustively discussed, and he fancied that if any hon. Member had got up on the Treasury bench and suggested that all this was superfluous, and that the House ought to pass a simple clause leaving the whole of this matter to the discretion of a Treasury official, such a suggestion would be scouted with the utmost contempt. Yet this was what was done in Ireland. This was what was proposed to be continued under this Bill. There was not one single clause in this Bill regulating the principle on which mines, woods, fisheries, or railways were to be valued. All was left to the discretion of the Commissioner of valuation, who was a Government officer under the Treasury. Such a proposal as this would not be listened to for a moment, if applied to England. His objections of the proposal were not mere theoretical objections. He wished to point out how this system had worked in the past. At the commencement of the sitting that day he had asked a question with respect to the valuation of one railway in Ireland, and what were the facts elicited? That railway had been valued in 1861 at £28,000. The next year it was reduced, without any appeal, to

less than half, to little over £14,000, and at that low figure it remained till 1872, although in 1865 it had been leased to another company at an annual rent, free of all charges, of £36,000. In 1871, an individual ratepayer complained and gave notice of appeal, and then the Commissioner of valuation raised the valuation from £14,000 first to £17,000, and the ratepayer still objecting, subsequently in the same year, and, of course, on the same data to £27,000. His right hon. Friend admitted all these facts, and he further admitted that the present Commissioner of valuation was a leading shareholder in that company. It was true that in 1862, when the valuation was reduced, he was not nominally Commissioner, but he was practically so, as he was the chief superintendent under Sir Richard Griffith, who had so many other things to attend to that practically the valuation service was conducted by the then General Superintendent, now the Commissioner. He quoted this to show the abuses which had arisen in Ireland, and which were possible under this Bill, and he regretted as much as his right hon. Friend the necessity for referring to them, but he felt that it was monstrous to entrust such powers to any Government official, and that if the measure were thoroughly understood in England it would not be tolerated for a moment. He had many other objections to this Bill, which he had stated on other occasions, and he believed that many of its details would be best settled in a Select Committee. He did not wish to pretend to the House that he was a Friend to the Bill—he would gladly see it beaten; but, at the same time, he believed that reference to a Select Committee would not retard, but rather hasten its progress, whilst he hoped it would very materially aid in improving its details. He, therefore, cordially supported the Motion of the hon. Member for Carlow.

SIR FREDERICK W. HEYGATE reminded the House that a Select Committee had already sat the entire Session and half of another Session upon the question connected with this Bill. It appeared to him that it would be a better course to postpone legislation altogether upon this subject until another Session than to refer it now to a Select Committee, which at that period of the year would be an indirect mode of shelving

the matter. He did not wish to press on a measure of this kind; but considering the steadily increasing scale of prices, he was of opinion that the longer a valuation was delayed the higher it would be. There were many points in the Bill which a Select Committee could not decide, and which must be referred back to that House. He would remind the House that under the provisions of the Bill the new Jury Act would become inoperative, as it would be the very same class of persons who would be summoned to serve who were summoned at present, as the man whose holding was now valued at £20 would have it then valued at £30. The Government would, he believed, have very little difficulty with the Bill were it not for one clause of a very extraordinary character, which had been introduced by the noble Lord the Chief Secretary for Ireland, and which was to the effect that however much the valuation of property might be increased in Ireland it should, so far as the Irish Land Act was concerned, remain perfectly stationary. On looking at the Act, however, and referring to the discussions upon it in that House, he was prepared to maintain that the Government were under no obligation not to alter the valuation of property in Ireland in reference to it, while he was of opinion that there might be a valuation in the interests of the whole country as soon as possible.

MR. M'LAREN said, he could not understand why hon. Gentlemen who represented Ireland should make any objection to the system of rating and taxation which prevailed in that country. See the difference between the system of taxing which prevailed in Scotland and Ireland. Opposition to the Bill had been made on the plea that it would have the effect of increasing the valuation of property in Ireland. There was a valuation in Scotland every year, and the effect had been to increase the valuation of property every 12 months. He wished to know why Ireland should be exempted from such a natural consequence? In Scotland a blank form was sent round to every proprietor of land and tenant occupier of land at a certain period in every year, and if any person to whom these forms were addressed were found to make false Returns, they laid themselves open to the infliction of very serious penalties. And then,

again, see the difference between what was proposed in the Bill before the House and the law of Scotland with regard to drainage works. In Scotland, as soon as it was discovered that money raised for drainage purposes realized 5 or 6 per cent, such money was immediately subjected to income tax. By the Bill before the House, all such property would be exempted from income tax for a certain number of years. Why should this difference be made between Scotland and Ireland? And further, see the difference made between Scotland and Ireland with regard to the payment of income tax on account of landed property. In Ireland, if a gentleman had £1,000 a-year from landed property, he was rated at only £800. If a gentleman had landed property in Scotland realizing £1,000 a-year, he had to pay income tax on the whole £1,000. Why should such differences as these exist in the United Kingdom? Now that the Government had agreed to give up the privilege it possessed of having Government buildings free from taxation, it was nearly time that these exemptions which Ireland possessed with regard to taxation should be also done away with. The fact was that all such exemptions should be abolished, and the whole United Kingdom placed on an equality with regard to the payment of taxes. Under the existing system a practical injustice was done to one part of the United Kingdom, to the advantage of another. As a step in the right direction, he would give his support to the Bill now before the House.

COLONEL TAYLOR said, he thought the Bill in its original shape a good one, and he had no wish to delay its passing; but he should support the Amendment of the hon. Member for Carlow (Mr. Kavanagh), in order to give the noble Lord the Chief Secretary for Ireland an opportunity of reconsidering the very monstrous proposition to which reference had just been made.

SIR PATRICK O'BRIEN said, the Bill required that fair and legitimate consideration which could only be given to it in a Select Committee, and he hoped that the Government would accede to the Motion of the hon. Member for Carlow.

THE MARQUESS OF HARTINGTON said, he was aware that a great deal of the opposition offered to the Bill at that

stage was owing, as they had been told, to a clause which he had placed on the Paper; but he could not admit that that clause deserved to be described, as it had been, as monstrous and unjust. If the House had gone into Committee, he thought he should have been able to show that the clause was a just one. It was perfectly well known when the Irish Land Act was passed that the valuation of Ireland, although very unequal as between one part of the country and another, was in a very great portion of Ireland very much below the letting value. The operation of the present Bill without the clause of which he had given Notice, would be to remove a very large class of tenants from the position in which they were deliberately placed by the House three years ago; and as the Government and the House had been most unwilling to disturb the settlement arrived at by the Land Act in favour either of the landlord or of the tenant until they had seen its fair working, his clause would correct what in practice was a serious alteration of the Land Act. The Government, however, could not conceal from themselves the importance of the significant opposition coming from Gentlemen opposite, who, by reinforcing the original opponents of the measure sitting on his side, might prevent any reasonable chance of its passing through a Committee of the Whole House this Session. The Government had not thought the Bill one that could with any great advantage be referred to a Select Committee; but it must be admitted that the ingenuity of hon. Members that afternoon had shown that any conceivable number of points might be raised for discussion in Committee. Under those circumstances the Government would propose to adjourn the present debate for a couple of days or so, in the course of which they would endeavour to ascertain whether it would be possible to appoint a Select Committee which would go through the Bill this Session. If so, they would accede to the Motion of the hon. Member for Carlow (Mr. Kavanagh). If not, they would not attempt to make any further progress with the measure this Session.

COLONEL WILSON-PATTEN, in reference to the noble Lord's remark about the ingenuity of the opposition offered to the Bill, said, there was every disposition on his—the Opposition—side of the

House to do every justice to the merits of the measure, and go through its details with a view to its passing this Session.

Debate *adjourned* till *Monday* next.

The House suspended its Sitting at ten minutes to Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### HIGHLAND SCHOOL FUND [CONSOLIDATED FUND] BILL.

Resolution [June 23] *reported* ;

"That it is expedient to authorise a charge on the Consolidated Fund of the United Kingdom of so much of the Grants to Schoolmasters of certain parishes in Scotland under the Act 1 and 2 Vic. c. 87, as the dividends on the Fund created by the 1st and 2nd sections of that Act have been insufficient to pay, and also of the Sums that will be required hereafter half-yearly to provide for the payment of the said Grants."

Resolution *agreed to* :— Bill *ordered* to be brought in by Mr. BAXTER and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented*, and read the first time. [Bill 202.]

#### PUBLIC WORKS COMMISSIONERS [LOANS TO SCHOOL BOARDS AND SANITARY AUTHORITIES] BILL.

Resolution [June 23] *reported* ;

"That it is expedient to authorise an Advance or Advances, not exceeding £3,000,000 in the whole, out of the Consolidated Fund of the United Kingdom, to the Public Works Loan Commissioners, for enabling them to make Loans to School Boards, in pursuance of 'The Elementary Education Act, 1870,' and to Sanitary Authorities, in pursuance of 'The Public Health Act, 1872.'"

Resolution *agreed to* :— Bill *ordered* to be brought in by Mr. BAXTER and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented*, and read the first time. [Bill 203.]

#### CONSOLIDATED FUND [REDEMPTION OF CHARGES] BILL.

Resolution [June 23] *reported* ;

"That it is expedient to make provision for the Redemption of divers Charges on the Consolidated Fund and on Votes of Parliament."

Resolution *agreed to* :— Bill *ordered* to be brought in by Mr. BAXTER and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented*, and read the first time. [Bill 204.]

#### THE MAGISTRACY.

##### MOTION FOR AN ADDRESS.

MR. AUBERON HERBERT, in rising to call attention to the sentence of imprisonment passed upon 16 women by the magistracy of Chipping Norton on the 21st instant, and to move—

*Colonel Wilson-Patten*

"That an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to appoint a Royal Commission to inquire into and report upon the state of the Law giving powers of summary jurisdiction to magistrates in criminal cases, and also upon the mode in which such powers have been exercised, and upon all matters relating to the duties and the appointment of magistrates."

The hon. Member was proceeding to address the House, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock.

## HOUSE OF COMMONS,

*Wednesday, 25th June, 1873.*

MINUTES.]—NEW WRIT ISSUED—*For Waterford County, v. Edmond De la Poer, esquire, Chiltern Hundreds.*

PUBLIC BILLS.—*Second Reading*—Hypothec Abolition (Scotland) [21], *put off*; Minors Protection [69], *debate adjourned*.

*Referred to Select Committee*—Tramways Provisional Orders Confirmation \* [192].

#### HYPOTHEC ABOLITION (SCOTLAND) BILL. [BILL 21.]

(*Sir David Wedderburn, Mr. Carter, Mr. Fordyce, Mr. Craufurd.*)

##### SECOND READING.

Order for Second Reading read.

SIR DAVID WEDDERBURN, in moving that the Bill be now read the second time, said, the subject was one which had already on more than one occasion taxed powers of a higher order than he possessed, and this being so, he should endeavour to condense as much as possible what he had to say. He would first explain how it was that the Bill had come into his hands. It had for many years been under the able management of his hon. Friend Mr. Carnegie, the late Member for Forfarshire. When that hon. Gentleman had ceased to be a Member of that House, acting upon his advice, he (Sir David Wedderburn) asked the Lord Advocate whether there was any prospect of Government introducing a Bill this Session on the subject? His Lordships' sentiments on this topic were well-

known, as he had expressed himself freely on it, both in that House and elsewhere, but he stated that he did not see any prospect of being able to introduce a Bill on the subject this Session. He (Sir David Wedderburn) therefore ventured to lay on the Table the same Bill that had already been twice considered during this Parliament, and which on one occasion had been carried on the second reading by a majority of 36. Although he had introduced it on the first day of the Session, he had been unable to obtain an earlier opportunity than the present for getting the second reading put first on the Orders of the Day. He was aware that a private Member had no chance of carrying such a Bill at that period if it were seriously opposed; but as no Notice of opposition had been given, he was not without hope that hon. Gentlemen opposite might consider this a desirable opportunity of settling a troublesome question that had proved very injurious to the interests of Scotland. In order to facilitate the passing of the Bill, although it appeared to him it applied to the urban part of the question as well as to agriculture, he should not be indisposed to assent to a proposal in Committee omitting urban hypothec from the Bill. If they limited the question in this way to agriculture, he thought it would be found that the farmers of Scotland were practically unanimous in favour of the abolition of the existing law. It was said that if the law of hypothec were abolished, the tenants would suffer, and that landlords would not be affected; but he thought that on such a question they might trust to the opinions of the tenant-farmers of Scotland, who were the best judges of their own interests. The result of recent political occurrences in Scotland had shown what those opinions were, and the hon. Member for Wigtownshire (Mr. Vans Agnew) could inform the House what were the views of the farmers on this subject in that part of the country. In Berwickshire, where a contest was now going on, the Liberal candidate at once inserted in his address a paragraph giving his support to the movement for the abolition of hypothec, while the Conservative, at first said he considered it merely a tenant's question, and that he should act in accordance with what he found to be the real wishes of the farmers, and after having made his can-

vass, the same candidate had expressed his willingness to go in for the abolition of the law as applicable to agricultural subjects. He regretted that that election had not terminated, as whichever candidate were returned he (Sir David Wedderburn) should in that case have had one supporter the more. The Commissioners of Supply in Scotland, who were a Conservative body, had petitioned against the Bill, and in dealing with the objections they had urged, he probably could not do better than refer to the Petition of the Aberdeen Commissioners, as that county was proverbial in Scotland for its shrewdness and intelligence. They said in their Petition that they disapproved of the provisions of the Bill; that the law of hypothec was only one branch of the general law of retention in Scotland; and that it would be most unjust to do away with one part of a general law against one class of persons and retain it in force against the other classes. It seemed to him that there was a marked difference between retention, which was in the nature of a pledge, and the law of hypothec—a pledge being a case in which the property of a debtor was transferred into the custody of a creditor for security; while in the case of hypothec, it was a species of security which the debtor held himself, but which, under certain circumstances, could be seized by the landlord. It appeared, therefore, that as far as hypothec was concerned, the landlord was placed in an exceptional position; and this being so, he thought that the burden of proof should be on those who sought to retain the law. It was often said in Scotland that if they abolished hypothec they would have to adopt the English law of distress. He did not admit that, but at the same time he would show how marked was the distinction between the two laws. In the case of distress, the landlord must himself take direct action. Blackstone said the law allowed a man to be his own avenger, by enabling him to distrain upon cattle or other goods for the payment of rent. Under the old common law, a landlord could only take possession of certain goods belonging to his tenant as security; but by a subsequent Act of Parliament the right to sell had also been given. In the case of hypothec the whole produce of the farm was

hypothecated, even in the possession of the tenant, for the rent of a single year, of which it was the crop, and there was no necessity for a landlord taking action on his own behalf, as he could retain the corn or other produce of the soil against all other creditors, and could recover against all who had intermeddled therewith as far as the current year's rent was concerned. This privilege not only belonged to the landlord, but also to any one to whom he might assign the rents. Previous to the Act of 1867, grain or other farm produce that had been sold in public market and paid for and taken possession of, was free from the landlord's right if sold in bulk, but if sold by the sample it was not free. The Act of 1867 had modified this state of things, and now any grain that had been *bond fide* sold at its true market value, paid for, and removed, was protected from the landlord's hypothec. The right to sequester failed also when proceedings were not taken within three months of the rent falling due. Still the property sequestered remained at the risk of the tenant, and the remainder of the crop might be subsequently sequestered even in the hands of a purchaser, if the amount did not liquidate the rent due. From this it appeared that hypothec was a much more extensive right than distress, and it seemed hardly fair to argue in favour of retaining hypothec on the ground that distress had not proved equally oppressive in England. It was stated in the Petition from Aberdeen that the effect of the abolition of hypothec on the country farmers would be more serious than on the tradesmen of the towns.

"In Scotland it was the practice to let farms on lease, and the tenant's first grain crop was not reaped until the following year. One half-year's rent was payable at Martinmas, and the other at Whitsunside. If the landlord's hypothec were abolished, he would, in self-defence, require the payment of two year's rent at the time of the bargain, and he might make it a condition, if the farm were let on a 19 years' lease, that if any rent was not paid before four months from Whitsuntide, the lease should be void. In this way the landlords might secure their rents; but the tenant would have to pay two years' full rent before he could reach a crop at all."

The present Bill made no proposal as to interference with leases or the terms upon which the landlords and tenants might agree as to leases; but if the landlords insisted on pre-payment of their rents,

they would still be in the same position as other persons who obtained pre-payment, and would have to give discount, or fix a lower figure than at present for their rents. There were two sides to every bargain, and the farmers of Scotland were perfectly competent to make their own bargains with their landlords, if they could do so on equal terms. They only objected to the landlords being placed at a great advantage with regard to the other creditors. If hypothec were abolished, the landlords would only be in the same position as the other creditors, except that they would be perfectly safe as regarded their principal, and would only risk their rent, which might be regarded as interest on the property let to the tenant. It could not be doubted that hypothec gave to the farmers increased credit with their landlords; but the effect of this had been very mischievous in cases where persons possessing neither skill nor capital had offered high rents, and successfully competed for the occupation of farms. If, however, a tenant's credit with his landlord were increased by the law of hypothec, it was diminished with the rest of the world. The creditor's uncertainty as to whether he would be the individual victim was one of the great objections to the law, and rendered it unpopular with all classes not directly interested in its retention. He found it stated in the Petition of the Commissioners of Supply of Mid Lothian—"that the extent of the law of hypothec was perfectly well known; that if any one suffered from it, giving credit without security or proper inquiry, he had himself only to blame." If these words were slightly altered it would be an argument in favour of the Bill, because if the landlord were in the same position as the other creditors, it might be equally said of him "that if he suffered from giving credit without security or proper inquiry, he had only himself to blame." In that House it had been asserted, and as a general rule with truth, that Scotch questions were left to the decision of Scotch Representatives. This, however, had not been the case in the matter of hypothec. The present Bill had been twice before the House. In 1869 the "Ayes" for the second reading were 129, and the "Noes" 93, and in the majority there were 27 Scotch Representatives, and in the minority 22. In

*Sir David Wedderburn*

1871 the "Ayes" upon the voting for the second reading on the same Bill were 107, and the "Noes" 188, and among the "Ayes" were 30 Scotch Representatives, and among the "Noes" 23, and of the latter number he had every hope that some would vote with him to-day for the second reading of the Bill. If the Bill were left to the decision of the Scotch Representatives to-day, he should not have any doubt as to its being carried. In conclusion, he begged to move the second reading of the Bill.

GENERAL SIR GEORGE BALFOUR, on seconding the Motion, said, he did so because he thought the Bill was founded upon claims of justice, and in proof of that he referred to the assertion which had been made by the Lord Advocate, to whom the House looked as their guide and adviser in matters of Scotch law, to the effect that the law of hypothec was an evil law altogether, giving to one class an unfair and unjust preference over all others. He thought that the sooner the law of hypothec was abolished the more beneficial would it be for the agricultural interests of Scotland. He admitted that the principle of hypothec was adopted as the common law in many Asiatic States, and he regretted to say what had been its effects in Persia. There they had a country 20 times the area of Ireland, but with a smaller population than that country, and the agriculture of the country yearly on the decrease. Again, in that part of India, where he had resided for many years, the law was at one time in full operation in all its fierceness; but since the changes introduced there of late years by Lord Harris, who had gone there from this country, and by which the despotism of the law of hypothec was greatly lessened, there had been remarkable progress made in agriculture, tending to the improvement of the land which had been greatly depreciated by the operation of the system formerly in use. Here the abolition of hypothec would place the relations between tenants and landlords on a far more satisfactory footing than at present. There was no doubt that rentals in Scotland had increased, and that increase had not been caused by the law of hypothec, but he believed it had taken place in spite of that law, and if that law had not existed, the increase, he believed, would have been much greater. The rentals of all Scot-

land had nearly doubled within the last sixty years, and the increase was still going on. Since 1855, when the first valuation took place under the Valuation Act, the increase of rental in Kincardineshire had amounted to 35 per cent, and it was now going on at the rate of about 2 per cent per annum, and the farmers might justly on this account claim some consideration from the landlords. At all events, the continuance of this law had been mainly supported by the landlords, and the last Bill which came down from the other House, and was passed into law, still retained much of the evil of the old practice of hypothec. It was not wise for the landlords to resist the universal cry raised by the farmers, who were desirous of having the law repealed, and it was very undesirable that the latter should be induced by a sense of injustice to band themselves into the sort of trade union, that had been resorted to by the working classes in order to obtain justice for themselves, by unseating hon. Members of that House who were opposed to its abolition. He admitted that to some extent the evils of the law of hypothec had been mitigated by the Act of 1867; but at the same time he pointed out, that that Act gave to the landlords a right they had not before, and which, he submitted, it was unwise to have conferred. Indeed, the fact of the landlord legislators having inserted such powers in a Bill, was open to serious comment. The law of hypothec came from very ancient times, when nothing was done for the improvement of the land; but the system of cultivation had now been entirely changed, and the farmer was required, not only as formerly, to devote his own labour to the cultivation of the soil, but to risk in his business an amount of capital equal to from seven to even ten times the rental of the land. This increased capital was required for manure, bricks, tiles, and various appliances which were not needed at the time hypothec was established; and the Act of 1867 gave to the landlord rights over the improvements which the tenants effected, that the ancient law or practice did not bestow, for it gave them the right to all the improvements the farmers made in the soil by means of manure, even though that manure had not been paid for. It was said that the Legislature desired by means of hypothec to encourage the poor man;



but although the object was a laudable one, it ought not be effected at the expense of another class. From a Return issued in 1869, it appeared that under the Act of 1867, the number of sequestrations against persons occupying farms with a less rental than £100 a-year was 548, and the number holding farms of above that rent was only 196. That showed that it was not the landlords' interest to let their farms to men without capital; and on this ground he claimed the support of the House to the Bill, which he hoped would become law during the present Session.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir David Wedderburn.*)

SIR EDWARD COLEBROOKE, in moving the rejection of the Bill, said, he was very sensible of the responsibility of any Scotch Member representing a county constituency in giving an opinion against a measure which was supported by a considerable amount of popular favour; but having formerly expressed an opinion that the Bill was not just in principle, and would if it should be carried out, be most injurious in its consequences, he could not shrink from opposing it, notwithstanding the demonstrations of popular favour it had met with in some parts of Scotland. In recording his vote against the Bill, he must give the reasons why he did so, and he was encouraged in doing so by the statement of his hon. Friend the Member for South Ayr (*Sir David Wedderburn*), who had introduced the Bill. No doubt, the Bill had met in this House with a considerable amount of support from hon. Members; but how had that support been gained? By bidding to hon. Members who represented burgh constituencies, and offering to exclude towns from the operation of the Bill. He deprecated that course, and insisted that that was a question which affected town as well as country, and if the House went into Committee, he did not think that hon. Members would listen to a proposal that landlords should have a preference in one case, and not in the other. He thought that tenant-farmers were under a great delusion in this matter. They entered upon their farms after an active competition, and knowing that they were subject to the law of hypothec. If the urban popula-

tion who were under the same law did not raise a cry against it, they only showed that they were men of sense, and knew very well that the law was not injurious to their interest. The law of hypothec, he contended, was in favour of the smaller tenants, by giving to landlords a right to which they were entitled by the law not only of Europe, but of other parts of the world. Those were presumptions in favour of the law, and though they could not overbear the considerations which might be urged against it, were at least sufficient to answer the argument that those who opposed the Bill were claiming exceptional privileges which were unjust to the tenant-farmers. It was said that the law allowed men of straw to enter upon the holding of farms. Another and still stranger allegation was, that it was unjust to allow a landlord to swallow up everything, and leave in the lurch the creditor who had supplied the farmer with seeds or manures. All these were very fair subjects for consideration; but there was an immense amount of exaggeration about the statement of them. With regard to the last objection, some important evidence was given before the Commission which inquired into this subject. One of the largest manure merchants in Scotland gave evidence as to his losses. He stated that his dealings with tenant-farmers amounted to £190,000 a-year. His losses in two years amounted to £2,400, and on that account he received dividends amounting to £450. But was that loss, which was a very small percentage, due to the law of hypothec? If hypothec were abolished, could it be said that creditors would not incur losses? On the contrary, he thought it fair to presume that their condition would be a more uncertain one, and that the risk which they would have to run would be greater than at present. Traders would endeavour to recoup themselves by raising the price of their articles to customers. That, in fact, was the measure of the amount of risk and injury which tenant-farmers suffered owing to this law. Evidence of the same kind was given by a Glasgow manure merchant, who said he did not think in the main this law affected the trade injuriously. The smallness of the losses showed the soundness of the trade that was carried on between the farmers of

*General Sir George Balfour*

Scotland and the dealers in seeds and manures. That trade was conducted on safe and cautious principles, and he did not think that the farmers would gain any very great advantage from the new system which would be introduced on the abolition of the law. Then as to the introduction of men of straw, he could only say that they did not enter into competition for farms in his neighbourhood. If a landlord was satisfied that the proposed tenant was a man of character, could keep the farm well stocked, and had the means to carry it on, he would inquire no further. Moreover, in consequence of the law, it was a practice in many parts of Scotland to give credit to a tenant for a year and a-half, and if that credit were abolished, would the farmer gain any advantage from the abolition of the law, even though he gained additional credit from the seed and manure merchants? He thought he would not, and he submitted that the House should consider whether the present law acted so injuriously as to call for its repeal. It had existed for centuries, and he contended that it had done no harm. But considering the effect of this law, he thought the House ought to reflect on how dangerous any change in the law would be to small occupiers. The whole of Scotland was not like Mid Lothian, and was not occupied by farmers of large capital and wide credit. Indeed, the agricultural Returns showed that the small farmers were much larger in number than was generally supposed, and if the protection which landlords now enjoyed were abolished, they might be led to destroy these small farms. If the Members of the Government had been present in the House, he would have asked them to consider this question as affecting the conditions to be made between landlords and tenants. The tendency of the Bill would be to induce more stringent conditions than at present, and that, he contended, would not be beneficial to the farmers. As regarded urban occupancy, he thought the abolition of hypothec would lead landlords to require a closer payment of rent, and that would be much deprecated by the labouring classes. The real question in this matter, was, what engagements should be made between proprietors and tenants in Scotland, and the abolition of the law of hypothec would, he contended, put an

end to the present system of tenancy, which had effected such a great improvement in the agriculture of Scotland. He asked the House to bear in mind that any person who parted with his property for a term of years looked to the improvement of that land; and if when a change of ownership took place, the new proprietor was not protected by law, he must take measures with regard to compelling a tenant to quit his farm in the event of his failing to pay his rent, and those measures would operate more hardly on the tenant than the existing law. How far was the principle of the Bill to go? Was it to be confined to the abolition of the law, or go further and declare it to be against public policy for any landlord to insist upon conditions in leases which he granted. He contended that such conditions would be more injurious to the tenants than the present law. He thought the House ought to know, before the Bill went into Committee, to what extent the provisions of the Bill were to go, and what alterations his hon. Friend would agree to, for they could not deny the right of persons to enter into agreements without striking a blow at the system of limited liability. Having stated these views, he would admit fully some of the evils which attached to the law of hypothec. Doubtless cases of hardship did occur, and in some the landlord's claim swallowed up everything, and deprived of their money those who had trusted the tenant with seeds and manures. He did not, however, consider that the claim of the landlord and the claims of the creditors had any analogy, for the risk run by a man who let his land to a tenant could not compare with that of a man who, as a rule, dealt in ready-money transactions. There was in Scotland a preference given to farm servants after the landlord, and he was prepared to consider the cases of the seed and manure merchants, but he would not give a dangerous latitude to persons who advanced money on note of hand. He entertained a strong opinion as to the injustice and impolicy of this measure, to which he should unhesitatingly give his opposition. Scotch proprietors stood on high ground in the matter, for they had taken the lead in agricultural improvement, and had shown their liberality both as to the length of their leases and the covenants

which they contained, and accordingly, for that reason, he should move the rejection of the Bill.

MR. C. DALRYMPLE said, that though he had not intended to second the Amendment of the hon. Baronet (Sir Edward Colebrooke) he would be happy to do so. The House had had the advantage of hearing the hon. Baronet's speech and had also heard the speech of the hon. and gallant Member opposite (Sir George Balfour) which was a speech of a theoretical kind. He was astonished to hear from the hon. and gallant Member for Kincardine (Sir George Balfour), that the time had arrived when the landlords of Scotland should set their houses in order. He was not aware what circumstances had led the prophetic eye of the hon. and gallant Gentleman to foresee that necessity, for he was not aware that the houses of Scotch landlords were out of order, or that they were likely to allow them to be so. He was further astonished at the hon. and gallant Gentleman, who seemed to think that if concessions were made on the subject, and the law of hypothec abolished, his (Sir George Balfour's) own seat and the seats of those who act with him politically, would be less safe than now. For his own part, conjectures of that kind had not the smallest interest for him, and seemed of small importance compared with the importance of the question in hand. The hon. and gallant Gentleman had favoured the House with his experience with regard to the working of the law of hypothec or similar measures in India, and had stated that the result of the existence of the law of hypothec in that country was the deterioration of the land. All he (Mr. Dalrymple) could say in reply was, that the idea of the deterioration of the land in Scotland was a new one to him, and if it had begun, under the law of hypothec, it must have begun very recently. He had not had the advantage of hearing the speech of his hon. Friend (Sir David Wedderburn), but he was sure that his hon. Friend did not introduce any of the usual commonplaces as to hypothec being a remnant of the feudal system and so forth. The truth was that the law of hypothec was part of the old Roman law, and had some claim to respect. Monstrous absurdities were talked about its working. He did not

know that the law could be defended in principle; but as to its working there could be no doubt that it was on the whole, good. Under the law it became possible for a small farmer to take a larger farm, and for the landlord to give time to those who might be behind-hand in the payment of their rents. But further, while the law was in force, other creditors had a better chance of getting payment of what was due to them than they would have if this law were abolished because the landlord could afford to wait for his money. He (Mr. Dalrymple) spoke of what he knew in all such instances. Those who looked at the matter calmly knew that what he said was true. At times of excitement, during an election contest, and the like, statements were made which, if they were to be believed, would seem to show that the advantages of the law to landlords was enormous, and that as regarded tenants it was oppressive and tyrannical. One would imagine that it was the custom, when a man was behind with his rent to turn him out on the hill-side destitute of goods or property; whereas the truth, he believed, was that the law was rarely enforced. It had been truly said that it was a tenants' and not a landlords' question. He sometimes doubted if farmers realized how they would be situated if the law were abolished. He might tell the House of a story which he heard in a county represented by his hon. Friend behind him (Mr. Agnew). A tenant who had been very active against hypothec, applied to the factor or agent, and asked if he might delay, say till August, his rent which was due in May. The factor said he would ask the laird. On application to the laird, the factor received answer—"By all means: But, let me see, was not he very strong against hypothec?" The factor said that he was; whereupon the laird said—"Give him what he asks, but tell him if it were not for the law of hypothec I could not oblige him." The farmer on hearing that afterwards said that it had never occurred to him to look at the matter in that light. He (Mr. Dalrymple) had always regarded the law as being in the interest of farmers, and especially of small farmers, and he continued of the same opinion. All he could say was, that he had inquired of the class said to be aggrieved, and had done so in more parts of the country than

*Sir Edward Colebrooke*

one, and he could not discover any foundation whatever for such assertions as had been made. Instances of harsh treatment might no doubt be discovered, but he believed they could be easily counted on the fingers of one hand. The hon. and gallant Member (Sir George Balfour) said that there was a universal demand for a repeal of the law on the part of the tenant-farmers of Scotland. All he could say was that the inquiries he had made in two or three counties led him to an entirely opposite conclusion. With one exception, during the last autumn, when he had made many inquiries, he had not heard a tenant-farmer say that he wished to see the law abolished. On the other hand, he had heard many of them say that since the alteration of the law in recent years, possible hardships were few in number, and that the law as it now stood ought to be fairly tried. He had received no expression of feeling against the law; and as he held that urban and rural hypothec must be considered on equal terms, he suspected that those whom he represented who belonged to towns, would be adverse to the change proposed. He was glad the hon. Baronet opposite the Member for Lanarkshire (Sir Edward Colebrooke) had moved the rejection of the Bill, and he should certainly vote with him. Until he heard stronger reasons for the abolition of the law of hypothec than had yet been advanced, he should do his utmost to retain it in the interest of the smaller tenant-farmers. If, on any future occasion, he should receive a representation adverse to that law, from those whom he represented, and whose opinions were founded on knowledge and conviction, he should refrain from opposing the measure.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Sir Edward Colebrooke.)

Question proposed, "That the word 'now' stand part of the Question."

MR. J. W. BARCLAY said, he was surprised at the opinions that had been expressed by the hon. Baronet behind him (Sir Edward Colebrooke), and by the hon. Gentleman who had just spoken (Mr. C. Dalrymple), which virtually amounted to this—that a law which was founded on an unjust principle acted

well in practice. He was glad that the hon. Baronet who introduced the Bill (Sir David Wedderburn) was prepared to withdraw that portion of it which referred to the urban hypothec. There was no difference in principle between urban and agricultural hypothec, but in point of fact there was no great demand for the abolition of urban hypothec. In that respect it differed very widely from agricultural hypothec. Houses and land were besides very differently circumstanced. If the landlords of houses endeavoured to impose unjust conditions on their tenants, the demand for other houses would at once be made and would be speedily supplied. In the case of houses, therefore, there was a limit placed to the exaction of arbitrary conditions on the part of the landlord, which could not be resorted to in the case of land. Again, the law of hypothec did not affect the credit of the tenant of a house as it did the credit of the tenant of a farm. There was further a feeling on the part of those who dealt with the farmer that the landlord had a preference to which he was not entitled, and that that was an injustice which ought to be abolished, and the farmer suffered on account of that feeling existing. The hon. Baronet who moved the rejection of the Bill (Sir Edward Colebrooke), said that if the law of hypothec were abolished the landlords would impose harder terms upon their tenants. He did not believe that such would be the case. In fact, he did not say that the landlords, generally speaking, exercised the powers given them under the existing law; but there were estates with which he was acquainted upon which the law was used to its fullest extent, and it was practically impossible for the landlords to exact more stringent conditions than existed. He could refer to leases in which the conditions laid down were of the most preposterous character, and such, indeed, as no independent tenant would submit to. Not only did the small tenants not ask for a continuance of the law of hypothec, as had been alleged, but they demanded its total abolition. The county of Aberdeen was *par excellence* the county of small farmers, and they had pronounced in the most unmistakable manner against the law, and in favour of the Bill, and his own constituency, the county of Forfar, acted in a similar manner. Perhaps the hon. Baronet behind him

knew the affairs of the tenant-farmers better than they knew them themselves; but if the small farmers of Aberdeenshire knew their own affairs—and they occasionally got credit for doing so—and were the best judges of their own position, then in their own interests they demanded the abolition of this law. Was it likely that the landlords of Scotland would not, as had been stated, give a farm, if this law were abolished, to tenant-farmers, whom they knew to be intelligent, and industrious, and honest, because they had not capital? Why, altogether apart from the philanthropic motive—and would it be philanthropy to give an industrious, honest, and deserving man a farm at fair rent—they would do so for their own sakes. The question ought to be considered on its true basis. There were, doubtless, some small farmers who had risen to higher positions, but they were of that exceptional class who would have risen whether the law of hypothec existed or not. It was a delusion to suppose that the law was of advantage to the small farmers. It was not. It was disadvantageous to the large farmers, but still more so to the small; for it increased the number of competitors, and thereby led to increased rents. But it was said, that if hypothec were abolished the landlords would exact a preference by conditions in leases. That was a matter of law. He did not think that the tenants could conspire with landlords, as suggested, against the public interest. That part of the question, he thought, he might leave to the right hon. and learned Lord on the Treasury bench to deal with. It was not the fact, practically, that a tenant now got a year's credit for his rent. He had to purchase the crop of the outgoing tenant, and the landlord got his money as soon as he would, if he kept the land in his own possession. He had said that the few tenant-farmers who had risen to a higher position had not done so on account of the law of hypothec, but even if that were the case, the interest of a whole class should not be sacrificed for a few individuals. The abolition of the law, moreover, would not have an injurious effect upon the landlords. On well and liberally managed estates rents were now always paid with punctuality, and there no difference would arise; but there certainly would be a great

and serious difference on rack-rented estates. The landlord on such estates would have to see that the tenants means were sufficient, although a farmer was entitled to some credit, as well as a person engaged in any other branch of business or industry—and skill, intelligence, and industry should not be overlooked. For his part, he believed that the Bill would work for the advantage of the landlord. On rack-rented estates the elasticity was taken out of the tenant—he had not the spirit or the inducement to improve the farm or develop its resources, and at the end of the tenancy the landlord got the farm in no better condition than when the lease commenced. It was a mistake to suppose that the leases lasted for 19 years. They contained most stringent conditions, and the landlords could put an end to them on the breach of any one of them. The hon. Member who spoke last (Mr. Dalrymple) said, that the law of hypothec was resorted to in very few cases; but it appeared from a Return before the House that it was resorted to in two years in over 500 cases. He hoped that they would on that occasion receive the cordial support of the Lord Advocate. The right hon. and learned Lord had been one of the Commissioners who inquired into the subject, and had signed the Report in favour of abolition, and in the county election which had been referred to by the hon. Baronet the Member for South Ayr (Sir David Wedderburn), the right hon. and learned Lord had expressed himself in the most decided terms against the law. The farmers of Scotland were entitled to the most favourable consideration at the hands of the Liberal Government. They had supported Her Majesty's Government on all the questions of the day, and in the passing of all the great measures of the present Parliament, and were entitled to the relief which they now sought at their hands. He was surprised to hear the sentiments which had been uttered by some hon. Members behind the Treasury bench. It struck him that the "liberality" of some hon. Members was confined to being Liberal about other people's interests; but that in matters affecting themselves, they were as Conservative as any hon. Member on the other side of the House. He hoped that the Bill would pass, and without the clause exempting its operation from ex-

*Mr. J. W. Barclay*

isting agreements, and that a Liberal Government and its supporters would not favour an opposition which would uphold and increase the protection of the landlord class. The law of hypothec was unjust and indefensible in the public interest, and he hoped it would be abolished during the present Session.

Mr. ELLICE said, he could not agree with his hon. Friend who had just sat down (Mr. J. W. Barclay), as to what he had stated as to landlord protection. He (Mr. Ellice) did not oppose the Bill, because he wanted landlord protection; on the contrary, he thought landlords ought to be considered like other people, and in no other way. He objected to disturb a law which had existed for generations, and under which agriculture had prospered in Scotland more than in any other country in the world. He was surprised that his hon. Friend was in favour of disturbing and interfering with existing agreements, and he did not think the House would even endorse that view or tolerate such a proceeding. He expected to have heard arguments in favour of the abolition of the law of hypothec rather than vague and general assertions such as they were accustomed to hear at election time. He had listened to the speech of his hon. Friend the Member for South Ayr (Sir David Wedderburn), and he had failed to discover any one instance in which where the law of hypothec was at all analogous to the law of distress in England, it told injuriously upon the interest of an ordinary creditor, or placed the latter in a less advantageous situation than he would occupy in regard to any other corn or commercial transaction. Allusion had been made to the competitions for farms which the law of hypothec in Scotland gave rise to. Undoubtedly, that was a great complaint, and he had no doubt himself that was the sole cause that had led to the outcry for the abolition of the law of hypothec, for the existence of that law had enabled the humbler man to compete on more equal terms with the rich man. Undoubtedly, if that law were abolished, which now protected the man of small capital, the man of larger capital would then be able to command the situation, and that absorption of small farms would take place which he begged leave to say had been carried already to an extent that was unfortunate for the interests of the country. His hon.

Friend the Member for South Ayr held out a prospect of rents being reduced. He did not believe that any alteration of the law of hypothec, or, indeed any law which that House could pass, would affect the question of rents. Farms would always command their value, and in Scotland especially, people would be found who would give more money for a farm than they thought would allow them to make a profit upon it. Therefore, he thought it was wholly illusory to say that the abolition of the law of hypothec would have any effect upon rents in Scotland. No doubt, it was that illusory hope that had been the means of nurturing the cry for abolition. He believed that the large majority of the Scotch Members were in favour of the Bill, and therefore those of them who took a different course were at least bound to state their reasons for so doing. The law of hypothec was objected to as injurious—first of all to tenants, and secondly, to creditors. He took a totally different view of the case, and he upheld what was understood to be the right of hypothec. He did not say he upheld that particular law as advantageous to the tenant, and as not unjust to the ordinary creditor; he said it was advantageous to the farmer. Let hon. Gentlemen consider this—if a farmer offered to take a farm, the very first thing he was asked was as to his security and ability to pay the rent. He thought that no landlord would take a tenant, and no man would lend money to a customer, without inquiring as to the sufficiency and the security of that person. Well, now, he believed that in the absence of hypothec there were only three ways in which security could be found—a man must either pre-pay his rent, or he must lodge securities equal to the rent, or he must find some person to be his cautioner in the bank. Now, it was well known in Scotland, that there was not one man in 20 of the farming tenants who had more capital than he could spare. On the contrary, they all knew that the improving system had been largely conducted upon credit—that was to say, a tenant had a certain capital of his own, but he had to borrow upon the credit of that capital, probably a considerable sum, as accommodation. Therefore, the first two alternatives in the way of finding security were not open to 19 out of 20 tenants in Scotland. The

only other alternative left was to find some friend or banker who would consent to become caution. They all knew that any person who was referred to in that way, would in his turn, ask for his security, and probably, he would ask for some profit on the transaction; in fact, in the case of all these three alternatives they subjected the tenants to disadvantages and inconveniences to which they were not at present exposed, because instead of their having to prepay the rent, or to find security for the rent in the manner he had suggested, the law stepped in, and found that security ready-made in the prior claim which it gave the landlord over the stock on the farm. Therefore he maintained in respect of hypothec, that whether the tenant was a wealthy man or not, he could be subjected to no possible disadvantage, with the single exception of that one to which he had before alluded—namely, that hypothec let in a larger number of persons to compete for farms than might otherwise be the case, but that was the only disadvantage which a tenant could labour under. As regarded the ordinary creditor, it was complained that the landlord stepped in to his prejudice. But would any hon. Member tell him that ordinary creditors at the present moment in England did not suffer from the same inconvenience? Was there a single case of bankruptcy in that metropolis in which they did not in the first column see “secured creditors” and “ordinary creditors?” The fact was that the thing was as common as possible. A man who was the ordinary creditor was postponed to the creditors who had taken security, or probably exhausted all the securities of the bankrupt. As regarded mortgage, he wanted to know whether the promoters of the Bill were prepared to interfere with the right of mortgage? A man rented his land, or rather lent his land for a consideration, in the same way as another lent money upon the land. He depended in the one case on his hypothec to obtain interest on what he lent, and in the other case the mortgagees expected, and had a right in respect of his mortgage, to get back his capital with interest previous to the satisfaction of the claims of all other creditors. It seemed to him that the cases were very analogous. Now a question had been put about the conditions in a lease.

*Mr. Ellice*

Well, was it proposed by the Bill to prevent conditions being made in a lease, or was it proposed to allow conditions to be made in a lease under the Bill, by which a tenant could hypothecate or pledge the stock on his farm? If that were done, it appeared to him that it came to very much the same thing, and that they accomplished only in a most round-about way what was now accomplished without any difficulty through the operation of hypothec, and without exposing the tenant to many disadvantages and much inconvenience to which he might otherwise be subject. He would call the attention of his hon. Friends the Members for Edinburgh, Glasgow, Dundee, and other large towns in Scotland to the effect that the abolition of this law might have upon the artizan and the labouring classes in these towns. At the present moment hypothec seemed to him to be a law which immensely added to the capital of a labouring man—the little furniture he possessed. It was the only security that he could give. A landlord gave him a lodging upon the security of the furniture which he had put into it. During the time that man was earning money enough to pay his credit at the end of the week or month. They were going by that Bill to take that security away. What would be the result? That they would put greater difficulties than ever in the way of these poor people obtaining lodgings, who had quite enough already to contend with. They would have to pay a higher rent because the landlord would be sure to put a larger rent on in order to cover his risk if the law of hypothec were abolished, and the consequences would be, that the abolition of the law would be not only disadvantageous, but also of the greatest possible injury to the labouring and artizan classes in Scotland. He spoke not on his own authority, but on that of other people acquainted with the subject, and he invited the Representatives of the large towns in Scotland to say whether the facts which he had stated were correct or not. Upon those grounds, he was opposed to disturbing a system and a law which had lasted so long, and against which, so far as he could see, no practical evil resulted or could be alleged. He thought the present system was beneficial to the farmer; at all events, it subjected him to no disadvantage to which he would not be

equally exposed if the law were abolished. There was, of course, hardly any law in that country which was not susceptible of improvement; and he was not opposed to any alteration which it might be considered desirable to make in the law of hypothec. He would therefore suggest to his hon. Friend the Member for South Ayr, that he should withdraw his Bill for the present, and that in the next Session a Committee of that House should be appointed to inquire not only into the law of hypothec as it related to Scotland, but into the law of dstraint in England, because he protested against one country being dealt with in the matter in a different spirit from that in which the other was dealt with, and to see what alterations in those laws were necessary in order to place the legislation of both countries on the same footing. In conclusion, he would simply say that in opposing the Bill he was not influenced by any class interest. He had taken up the line he had after a careful consideration of the whole subject, and in what he believed to be the interest of the tenant-farmers of Scotland generally, and in the cause of agricultural improvement in that country.

MR. STAPLETON said, that a former Lord Advocate—Mr. Moncreiff—had distinctly expressed the opinion that the first thing to do was to assimilate the law of Scotland in this respect to the law of England; and the right hon. and learned Gentleman even went further, and promised to bring in a Bill to that effect; but in the meanwhile, he was removed from that House to undertake superior duties elsewhere. It was his (Mr. Stapleton's) opinion that the whole question would have been advantageously settled if that right hon. and learned Gentleman had continued in office. He was inclined to think that the law of England would work satisfactorily in Scotland, although the circumstances of the two countries might be somewhat different.

THE LORD ADVOCATE said, he did not suppose the hon. Gentleman the Mover of the Bill had any very sanguine hope of its being passed into law during the present Session. He rather thought his object in introducing the Bill was to have the subject, which was one of great importance, discussed, and to obtain the opinion of this House upon it. The principle of the Bill was, that landlords

should have for the recovery of the rents due to them the like legal remedies, and no other, which by the law of Scotland were given to other creditors as regarded personal obligations. He had no such unbecoming confidence in his opinions, and far too sincere a respect for the judgment of others who differed from him, to permit him to imagine for one moment that the question had not two sides to it, and that there were not questions of weight and consideration on both sides. Therefore, the opinion announced by his hon. Friend the Member for Lanarkshire (Sir Edward Colebrooke) who moved the Amendment, did not take him by surprise, because his hon. Friend and he had had occasion to consider the question together as Members of the Royal Commission to which reference had been made, and he knew that they then arrived at different conclusions upon the question which the Commission had to consider. Some Members of the Commission desired to maintain the law with small modifications, others suggested greater ones, and some with whom he concurred, were in favour of a total abolition of the law. In fact his own opinion, formed after the best and most careful consideration he was able to give the subject, was altogether against the law of hypothec. Though that was not the opinion of the majority of the Commissioners, he was in favour of putting the landlord upon the same footing for the recovery of his rent as other creditors were for the recovery of their debts. It was the opinion not only of some hon. Members in that House, but of certain persons out-of-doors, that it was not a landlords' question, and that it was a tenants' question. It was impossible for him to hear that without marvelling that the landlords, who were said to have little interest in the question—almost none at all in fact—had been almost alone in Scotland in the desire for the retention of this law, and the tenant-farmers, who were said to have the greatest interest in the matter, were almost unanimous in their urgent desire for its repeal. He could not believe that the tenant-farmers of Scotland did not understand their own interests. He could not believe that they were under a delusion as to the effect of the operation of the law, because they were an intelligent class of men. What they believed was, that that law was detrimental in its



operation to their legitimate interests. It had been said; in defence of the law, that it produced liberal contracts between landlords and tenants, but it was impossible to give security to one particular creditor except at the expense of the other creditors. Now, did the nature of the debt afford any good reason for giving a preference to the landlord. His hon. Friend the Member for Lanarkshire had pointed out that there were preferential creditors under the law of England, and he instanced farm servants. His hon. Friend might also have included domestic servants; and the reason for giving them a preference no doubt was that it would be cruel to allow such small creditors to go without payment of their wages. For a similar reason the law gave a preference to those who advanced money to pay a man's death-bed and funeral expenses. But such reasons were hardly applicable to the case of landlords. The only other preferential creditor was the Crown, and certainly the preference given to the Crown rested upon other considerations than were applicable to landlords. In his opinion, there was nothing in the nature of the landlord's claim for rent to justify giving him a preference over all other creditors. He did not speak disrespectfully when he said a tenant-farmer was simply a trader, whose trade consisted in hiring land for the purpose of raising crops out of it by the application of skill, labour, and capital. He had occasion for credit in the conduct of his business, and one of his creditors was the landlord who let him the land upon which he desired to carry on his trade. He had also occasion for credit in other directions. He had to employ labourers. He had to purchase manure and seeds. His stock-in-trade, in the case of an arable farm, consisted of the crops which he had raised out of the land; and in the case of the grazing farm, the stock-in-trade was the cattle and sheep, which he might have purchased on credit. Now, the common law of the land was, that when a trader failed so that he was unable to pay his debts, his stock-in-trade or assets should be equally divided, without favour or preference, amongst his creditors. But in the case of hypothec, the law interfered in favour of one creditor above the others. Why was that. They were told that landlords would not let their farms without security unless the law stepped in

for their protection; and they were also told that to abolish the law would have a most prejudicial effect upon the smaller class of tenants, even to the extent of extinguishing them altogether. But he considered persons who let land for hire were in exactly the same position as persons who let houses and shops, and they ought to take their security according to the person they considered they were dealing with. Why should landlords be put upon a different footing from others if they had perfect confidence in the honesty, industry, and skill of the tenant? If those conditions were fulfilled, they might give credit without any security at all, and if they demanded security or pre-payment, they ought only to have it upon the usual terms. Landlords, like other persons, should have to consider their own legitimate interests as other creditors considered theirs. The argument that the law was in favour of the smaller tenants seemed to him to be quite unsound. From the evidence taken before the Royal Commission, it appeared that there were no tenants who paid higher rents than the smaller tenants, and they were enabled to do so in consequence of their persevering industry, and the continual labour of their families applied to the land. It was also proved incontrovertibly before the Commission that there were no persons who paid their rents more surely or regularly. Those were good reasons why landlords should let farms to the smaller tenants, whether the law of hypothec existed or not. But if the existence of that law induced landlords to let their lands to persons whom they would otherwise not accept as tenants, and that was done at the expense of other creditors, its effect was most prejudicial, because it was interfering with a natural law which said that persons should give credit upon their own discretion and at their own proper risk. The baneful effect of the law was, that the tenant-farmer's stock was pledged to one creditor, while the tenant-farmer could not himself pledge his cattle or crops to any other creditor. Landlords, in letting their land, ought to be put upon the same footing as other creditors—no worse, and as certainly no better. He would give them no preference which other creditors did not have, and he would not allow contracts to be made in favour of one class of creditors

which could not be made in favour of others. These were the general considerations which, to his mind, operated against the law of hypothec. It had always appeared to him to be an exceptional and artificial law, which interfered with the ordinary course of affairs, and interfered in an impolitic manner. It was not enough to say that the law had been infrequently put in force. Notwithstanding the rarity of its enforcement, it nevertheless had a great influence. While artificially creating an increase of credit in the direction in favour of which it operated, it produced a corresponding diminution of credit in the opposite direction — in the direction of those at whose expense, in the event of any failure, the preference was given. Being in favour of the principle of the Bill, he should give the second reading his support, though he wished to remark before sitting down that he could see no difference between rural and urban hypothec, and his only wonder was that either law had been allowed to stand so long.

MR. ORR EWING regretted that the right hon. and learned Lord Advocate did not support the recommendation of the hon. Member for St. Andrews (Mr. Ellice) to refer the Bill to a Select Committee with a view to the framing of a measure which might settle that much agitated question for the benefit of both countries. If it were so unjust that a preferential claim should be given to the landlord, why was it that the Government, which during the five years of that Parliament had such a majority at their back that they could pass any measure, did not bring in a Bill to settle the question? He denied that it was the landlords of Scotland alone who had a preferential claim. Nine-tenths of the foreign trade of this country was carried on under laws which gave particular creditors a preference, and so was a large proportion of the trade of the country. He was himself acquainted with a case of failure to the amount of £478,000, of which £300,000 was secured to preferential creditors, and the remainder yielded not long since a dividend of 7½d. in the pound. But, though he believed the law to be more in the interest of the tenant than the landlord, yet, seeing the agitation which of late years prevailed in Scotland on the subject, and sooner than have it made a party cry, if

they could not get a Select Committee, he would be prepared to vote for the abolition of the law.

MR. LEEMAN said, not a single new argument had been advanced in favour of the Bill, and he therefore hoped the House would be prepared to deal with it on that occasion as it had done with a similar measure two years ago, which was rejected by a majority of nearly two to one. The main ground upon which that Bill was rejected was, that if the law of hypothec in Scotland was abolished, it must be a prelude to the abolition of the law of distress in England. All the Bills which had been introduced on the subject of hypothec since 1867 were rooted and grounded in the opinion of the minority of the Royal Commission; four members of that Commission were in favour of abolition, while 13 were against it. The objectionable part of the law of hypothec was removed in 1867, and he would remind the Lord Advocate, that in the Committee whose recommendation led to that alteration, he was in the minority. A Committee of the House of Lords declared in a subsequent year its opinion that the abolition of the law would be injurious to the interests of all classes. The former Lord Advocate of the present Government had also said that if hypothec were abolished landlords would get rather less than before, while the other creditors would be in the same position as they were. Did the Government support the Bill? In 1870, in answer to a Question put by Mr. Carnegie, the Government said that they were considering the question in connection with the subject of the law of distress in England. In 1871 only one Member of the Government rose to say a word in favour of the Bill. Only one had yet spoken in its favour this year; and the nature of the Whip issued that morning, coupled with the appearance of the Treasury bench, which was all but empty, did not say much for the anxiety of the Government to pass the measure. He doubted whether the Bill had the support of any Member of the Government, excepting the Lord Advocate. It was the large farmers of Scotland who asked for the repeal of this law, and many of those were men who had risen to their present position mainly through the influence of the law. That had been given in evidence before the

Commission. To attack the law of hypothec in Scotland was to attack by a side wind the law of distress in England, and the only fair way of dealing with the question was to bring in a Bill founded on inquiry by a Select Committee to settle the question in both countries. If they took away the power of distress in England, the consequence would be that no poor farmer would obtain a holding, and for that reason he should vote against the Bill.

MR. R. W. DUFF said, there were very few Scotch Members who dared appear before their constituents without saying that they were in favour of the abolition of the law of hypothec. The Bill of 1867, which modified the law of hypothec, had failed, and there was now no alternative but to abolish the law altogether. [Lord ELCHO: How has that Bill failed?] Why, it had failed to satisfy the just wishes and requirements of the people of Scotland. In voting for the second reading, however, he wished it to be understood that he did so in order that the law might be abolished in the urban as well as the rural districts.

MR. VANS AGNEW said, that although he believed that tenant-farmers would not derive much benefit from the proposed abolition of hypothec, the effect of which had been much exaggerated in the arguments on both sides, yet he would support the Bill to the extent of its proposal to abolish the law in agricultural districts, but he was not in favour of its abolition in towns. He hoped, therefore, the hon. Baronet the Member for South Ayr would undertake to limit the Bill to agricultural districts.

SIR DAVID WEDDERBURN said, he could not undertake to do so, but he would not offer objection to its being done.

MR. VANS AGNEW said, when the Bill got into Committee, if it passed the second reading, he should move that its operation be confined to agricultural districts. He had been recently returned for an agricultural constituency under the Ballot, and he was free to admit that if it had not been known that his opinion was in favour of this Bill he should not have been returned; and he believed the same thing might be said of some hon. Gentlemen on the other side. The Scotch law differed from

the English Law of Distraint in this—that cattle and crop could be followed and recovered by the landlord after they had been sold. The farmers' ease was, that by the action of this law competition was increased, rents raised, and their credit reduced. Several members had spoken of the class of small farmers, which he took to mean those paying less than £50 of rent. They were a class who lived a very hard life; in fact, they and their families were not so well housed, clothed, or fed as the farm servants on large farms, and their children were kept more at work than at school. It was a question worthy of the consideration of the House, whether it was a national benefit to encourage the letting of land to men without capital, when there were plenty with capital ready to take it. The effect of the repeal of the law to the farmer would be that he would have to find security for his rent, and he would in future be fore-rented. But they said that it affected their credit; that the rent was not so large a part of the expense of cultivation as the cost of seed, manure, and labour, and they had a very strong feeling on the subject. He hoped the House would grant them what they asked. It was not a landlords' question; they could protect themselves, and had no interest in maintaining the law for themselves. It caused great irritation in Scotland; and by dividing those, whose interests should be identical, was a source of more political evil than its repeal would be.

MR. M'LAREN said, he should vote for the second reading of the Bill on the grounds stated by the right hon. and learned Lord Advocate. So far as regarded the abolition of the law of agricultural hypothec, the speech of the right hon. and learned Lord was unanswerable. That, however, was all the length he (Mr. M'Laren) could go to. The right hon. and learned Lord seemed, if he understood him rightly, to think that the urban was in no degree different from the rural population. On that particular point he (Mr. M'Laren) was inclined to take issue with him, but at all events no person would question that if the law affected injuriously 79,000 householders—and there was 500,000 who were not at all connected with agriculture in any shape or way—they ought not to be told that for the sake of removing a grievance from 79,000 of the

inhabitants, they were to inflict an injury upon 500,000 others. He should like to see any hon. Member getting up and saying that he ever presented a Petition from any place, great or small, complaining of any wrong done to them in agricultural districts by this law. Of course, where a farmer or agriculturist inhabited a house, the household furniture and other effects were the smallest part of his capital. He had probably five times as much in stock and other property; but if they took the case of the poor householder, the circumstances were altogether different. His only capital as a rule was his sinews and bones, and they could not take these away from him. They remained at his own disposal. In the case of a farmer, the landlord could take the whole of the capital of the farm, visible or invisible, as far as it was embarked in the land. He spoke entirely in the interest of the working-classes, and he believed that it would be a disadvantage to tens of thousands of working men if they abolished this law in their case, because it was quite obvious that in the proposed new system, it would be impossible for them to give any security for the rent, and the consequence would be that they would be unable to get a house at all. It would be a great evil to abolish the law of hypotheec generally.

SIR JAMES ELPHINSTONE said, he thought that the law as it stood at present had worked well for Scotland. There had been a great increase in her produce, and, as a rule, landlords and tenants worked admirably together. Not only that, but the manufacturing industry of that part of the Kingdom was such that the produce of Europe, India, and Australia, was brought in large quantities to the ports of Scotland. He would not believe any man who told him that the landed proprietors of Scotland had not done their duty. His recollection of Scotland extended, he was sorry to say, over 55 years. Before he first went to sea, he lived in that country, which was at that time almost covered with broom. There was, however, an indomitable spirit of energy and independence in the youth of Scotland, which was shared alike by rich and poor; and the sons of the upper classes went into foreign countries where they often made their fortunes, and returning, threw fresh capital into the soil, which enabled

them to bring many enterprises to a successful issue, and greatly to increase the produce of the land. They were told that there had been a great many Petitions for the abolition of this law. Now, he knew exactly how Petitions were got up in Scotland. A number of persons were sent round with blank pieces of paper, to get signatures on any kind of representation, and when sufficient names were got, they were all put together on a piece of paper on which was the heading of the Petition. He had some of those documents got up in that way in his possession, and very curious they looked. The fact was, that this agitation was fostered, if not got up, by the Scotch Chambers of Agriculture, which, although useful at first, had much degenerated, and were now in the habit of only discussing matters on trade union principles. Men would not say in the House of Commons what they would at their own dinner tables, and it was necessary at once to fall down and worship the popular idol, whatever it might be.

MR. O. S. PARKER said, that the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) admitted that no candidate now came before an agricultural constituency in Scotland without declaring in favour of a change in this law, and of this the hon. Member opposite lately elected for Wigtonshire (Mr. Vane Agnew) was an instance. The hon. Baronet paid hon. Gentlemen who had supported the Bill on both sides of the House the compliment of saying that at his dinner table they would hold a different language. He hoped not; but for his part, he attached more importance to what a man said in his responsible place in the House of Commons, than at any dinner table. The noble Lord the Member for Had-dingtonshire (Lord Elcho), seemed to think that it was not right for hon. Members to advocate the views of their constituents; but he (Mr. Parker) considered that when a Member was elected for a certain constituency, under certain pledges, he was bound so far to represent their opinions in the House. He did not mean to say that he should argue against his own convictions of what was for the public good; but he thought that he was bound to express the opinions and feelings of his constituents, for though he might have private in-

terests opposed to them, it was in that sense he was prepared to give his vote. He admitted that there was some weight in the argument of the hon. Baronet that this was not an exceptional law passed for the benefit of one class, but a remnant of the old Roman law, and a portion of the law at this day of most countries in Europe. He knew that there was a good deal to be said in its favour, but not sufficient to induce them to retain it; because, since the old Roman law was adopted the conditions of agriculture had been considerably changed, and in no country more than Scotland. It was not necessary to retain a law, because it existed in other nations of Europe; and since the people of Scotland had strongly expressed their opposition to it, he thought that Parliament should give due consideration to their wishes. On a former occasion the opposition to a similar measure was founded upon the analogy existing between the law of hypothec and that of distress in England. Those tactics had succeeded once, and the hon. Member for York (Mr. Leeman) naturally had recourse to them again. There might be some analogy between the two laws, but he (Mr. Parker) contended that the one might be dealt with in Scotland, where it was felt as a grievance, without interfering with the other, if it was not felt as a grievance, in England. There were two reasons for the abolition of hypothec; first, that the landlord's preferential right against other creditors, however well known could not be enforced without creating a sense of injustice; and secondly, that it tended to make landowners less careful in the choice of tenants. On the other hand, he did not see any reason why it should be maintained, and therefore he would vote for the second reading of the Bill.

LORD ELCHO said, he certainly deprecated the idea that any Member of the House was sent there as the mere mouthpiece of his constituents. Certain persons always had the idea that when they were returned for a constituency, they were merely the delegates of that constituency. He repudiated that idea, and said that in his view, when once returned, a Member was bound to advocate the adoption of measures which were for the good of the community at large. With respect to the observation which had been made that persons

would not say in the House what they say at their dinner tables, he thought it would be sometimes much better if they did. He entirely concurred in the powerful speech made by the hon. Member for York (Mr. Leeman), who showed conclusively that the law of hypothec in no degree differed from the law of England, as respected houses, ships, and land, and various other kinds of property, and he confessed he was rather curious to hear how a shipowner, returned for an agricultural constituency, could draw such distinction between the two as to make him vote for the present Bill. The burgh Members for Scotland had endeavoured to satisfy their conscience by imagining that there was such a distinction, when in point of fact there was none. The fact was, that this was an attempt to do an impossible thing by legislation—namely, to put the owner of property into the same position as the person who wished to obtain possession of it, and that too in respect to a limited description of property, which was always in demand—namely, the land. To legislate in that way was to legislate upon unsound principle. As long as the demand existed, they would never be able to regulate these matters, and as soon as it ceased legislation would become wholly unnecessary.

SIR FRANCIS GOLDSMID said, that he was desirous to make a few observations on this measure from the point of view of an English lawyer. It appeared to him that hypothec, especially after the modifications made in it by the recent Act, was so similar to distraint for rent in England that the former could not be abolished without the latter being fully considered. Now in the value he set upon a landlord's right to distrain he did not go as far, or half as far, as his hon. Friend the Member for York (Mr. Leeman), who almost seemed to consider that that right could not be taken away without shaking the British Constitution to its foundations, and that if distress in the legal sense were abolished, wide-spread distress, according to the popular meaning of the word, would inevitably ensue. At the same time, it was clear that the House was not at present prepared to deal with the English law on this subject, and that being so, he (Sir Francis Goldsmid) thought that the present Bill could not be profitably proceeded with.

*Mr. C. S. Parker*

He believed that if the power of distress were destroyed, the principal result would be that landlords would habitually require bills of sale of the tenants' goods, which would put them in much the same position as if the right of distress still existed. He collected from the observations of the right hon. and learned Lord Advocate that the Scotch law recognized no instrument analogous to the bill of sale. But the point to which he (Sir Francis Goldsmid) had just referred was one of those which required examination in that comprehensive view of English and Scotch law which ought to be taken before the House attempted further legislation on the subject.

MR. M. T. BASS said, that he had been a tenant-farmer for 50 years, and he was quite assured that no change in the law of hypothec would induce a Scotch or English landlord to take for his tenant a man who had not sufficient capital to farm the land, but he would always look out for a man who, by laying out his capital upon it, would render it more productive. At the same time, he wished to express, in the strongest manner he could, his objection both to the law of hypothec in Scotland and the law of distress in England, as being alike opposed to good farming and the interests of the community, and prejudicial to both landlords and tenants.

SIR DAVID WEDDERBURN said, that notwithstanding all the arguments that had been advanced against the measure, he should take the opinion of the House upon it. He could not consent to withdraw the 2nd clause, which he had inserted to fulfil a pledge he had given to those who had sent him there; but if an Amendment were proposed to limit the operation of the clause in respect to the urban population he should not oppose it, nor would he withdraw the Bill in consequence. At the same time, he did not himself see any difference between the urban and the rural population which should induce him to make any such exception.

Question put.

The House divided:—Ayes 83; Noes 147: Majority 64.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

# MINORS' PROTECTION BILL.—[BILL 69.]

(Mr. Mitabell Henry, Mr. Headlam, Mr. Butt, Mr. Scourfield, Mr. Charles Gilpin.)

## SECOND READING.

Order for Second Reading read.

MR. MITCHELL HENRY, in moving "That the Bill be now read the second time," said, that the short time which remained would only allow him to say a very few words in asking the attention of the House to this Bill. Almost everyone knew the extent to which the money-lenders' conspiracy was carried on against young men and boys by the issue in extraordinary numbers of circulars and letters tempting them to borrow money. If these things were confined to the sons of rich men, or even to expectant heirs, it was not probable that he would have interfered in the matter; but he claimed the sympathy of the House on behalf of the parents of professional and struggling men, who, striving to meet the expenses of a public school or University education for their sons, found them exposed to these insidious and unprincipled temptations. Money-lenders' circulars were sent to the merest boys at public and private schools, and if time allowed he would relate to the House some of the strange facts that had been communicated to him. Now, in every civilized country, from the time of the Romans downwards, the law had endeavoured to give some protection to minors, and it was worthy of remark that the *lex Latoria* which dealt with the subject, was instituted in consequence of the mischief wrought by a noted money-lender. The present Bill had for its basis, in common with the Roman law, the institution of guardians; and it rendered it a misdemeanour to make loans, or to aid in procuring loans for gain, for those who were in the eye of the law infants, without the consent of their parents or guardians. According to the present law such loans were void *ab initio*, and could not be recovered at Common Law; and the main provisions of the Bill were merely directed to carrying out effectually that protection which the ingenuity of the money-lender enabled him to destroy. The most notable device was to induce a young man who had been inveigled into the money-lender's den to acquiesce in an admission that he

was of age, although the money-lender perfectly well knew that he was not, and then by holding over the victim the terrors of the criminal law for obtaining money under false pretences to get a secure hold over the borrower. The Bill provided that no such plea as that could be urged against a minor in any Court of Law, and the effect would be to make the lender careful whom he trusted, and to require in doubtful cases corroborative evidence, such as a certificate of birth, before he parted with his money. No doubt, that and other clauses in the Bill would meet with hostile criticism; but he wished emphatically to say, that the Bill was not an example of amateur legislation, but had been drawn by two of the most competent and distinguished practising lawyers of the day; and, in his opinion—if a lay Member of Parliament, who might conceive that an alteration in any law could be advantageously made did, to the best of his ability, make himself master of the subject, and obtain the counsel and assistance of eminent jurists and experienced Members of the House, he had done everything in his power to secure himself from the charge of presumption in proposing changes in the law. Experience showed, and it was not in accordance with human nature that it should be otherwise, that great improvements in the law did not always spring from the legal profession itself. He trusted, therefore, that the House would not allow the Bill to be talked out, but would give it a second reading, and he could promise that those whose names were on its back were most anxious to profit by and to adopt any improvements that might be made in Committee. He would conclude by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Mitchell Henry.*)

MR. LOPES said, he regretted the absence of the hon. and learned Member for Ipswich (Mr. West), who had put a Notice on the Paper for the rejection of the Bill. Legislation for the protection of children and young persons was rather the fashion just now, and the hon. and learned Member for Salford (Mr. Charley) had passed a Bill relating to those deserted bantlings who were found on the doorsteps of houses wrapped up in a portion of *The Daily Telegraph*. He

*Mr. Mitchell Henry*

yielded to no one in detestation of the practices against which this Bill was directed, but it was impossible that such a measure could become law. Under the present law, if a minor made a contract, it could not be enforced against him if he set up a plea of infancy, nor would it be any answer to the plea of infancy if the money-lender said—"You told me you were of age." The infant could upset the contract if he did not, after he came of age, confirm it. That was a very considerable protection, and it might be advisable to go still further. But, under the Bill, any person making or procuring to be made a loan to an infant, without the written consent of his father or guardian, was liable to fine or imprisonment. What would be the effect of that in the case of an infant, without either father or guardian, who might wish to make a contract highly for his own benefit—say for his advancement in life? Then, again, under Clause 10, no representation made by an infant as to his age was to be used in evidence against him in any Court or proceeding. Why, that would be holding out an inducement to a young man to say that which was false. Was such a clause ever inserted in an Act of Parliament before? The effect would be to subject a particular class—the money-lenders and bill discounters—to criminal proceedings. But were there not other classes quite as bad—the unscrupulous shopkeepers, for example, who persuaded young men to order goods they did not want and could not pay for; or quack doctors, who preyed upon young men quite as much as money-lenders? He could not help characterizing the Bill as most absurd, for the Legislature could not transfer to the criminal law matters which essentially belonged to the civil law. How far would it be necessary to go, moreover, if Parliament undertook to protect all the infants and all the idiots in the world? There were many men of 60 who were greater idiots than boys of 15. Let him point out another class of persons who required protection, and let the hon. Member for Galway County (Mr. Mitchell Henry) bring in a Bill to protect young men against the solicitation of importuning mothers who too often, in the language of the Preamble, "induce such infants to enter, improvidently and recklessly, into onerous contracts" which often turned out quite

as detrimental to the interests of the young men as those contracts against which the hon. Member wished to protect them.

MR. MUNTZ, as the father of a family, thanked the hon. Gentleman the Member for Galway County (Mr. Mitchell Henry) who had brought in the Bill. Letters from money-lenders had long been known at the Universities, but they were now sent to the public schools—Eton, Rugby, Harrow, &c.—and boys of 13, 14, and 15 years of age were excited by these offers to every species of abomination and extravagance. He would admit that this Bill would not hold water, yet he should support the second reading, in the hope that it might be amended in Committee.

MR. F. S. POWELL also thanked the hon. Member for Galway County (Mr. Mitchell Henry) for the attempt he had made to stop this growing abuse. He knew from undoubted authority, that these practices had done much mischief in the University of Cambridge, and the heads of that University believed much good would result from its adoption.

DR. BALL said, he wished to express the opinion that the House would not succeed in any efforts to make people virtuous by the coercion of the criminal law. He was not prepared to say that the acts dealt with by the Bill were crimes; and he was strongly opposed to the introduction of new crimes to the law of the country. It was, moreover, by no means certain that the Bill would have any effect in preventing this particular class of offences?

MR. HENLEY said, that the question was not whether these practices were an evil, but whether the Bill would not be a much greater evil than that which it attempted to counteract. He had known a great many very "rum" transactions on the part of borrowers as well as lenders. Under the Bill a young man might swear till he was black in the face that he was of age, when he was a minor, in order to persuade the lender to advance him money, and then he was to go scot free. Such a law would breed up a generation of liars and swindlers. An infant of that kind might get a man's money, and then the wretched individual might be subjected notwithstanding to a penalty of £20 or two month's imprisonment. But that was not all. If the money was for

the "*bona fide* advantage and benefit" of the young man, then all the provisions of the Bill were null and void. What a pretty thing that would be to have to ascertain! He could not imagine a wider or more difficult question to decide. Suppose a young man in the Army was in danger of losing his commission if he could not raise a certain sum; or, suppose it was necessary for him to pay his College dues; or suppose he was threatened with an action for seduction or breach of promise, and it was thought to be a benefit to him to get some money to stop the scandal.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

House adjourned at ten minutes before Six o'clock.

## HOUSE OF LORDS,

Thursday, 26th June, 1873.

MINUTES.]—PUBLIC BILLS—*First Reading*—Statute Law Revision \* (174); Crown Private Estates \* (175).

*Second Reading*—Public Worship Facilities (56), *negatived*; Register for Parliamentary and Municipal Electors (133), *negatived*.

*Committee*—Canonries \* (169); Admission to Benefices and Churchwardenships, &c. \* (153-176); Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* (134-177).

*Third Reading*—Metropolitan Commons Supplemental \* (110); Local Government Provisional Orders (No. 5) \* (154), and *passed*.

## PUBLIC WORSHIP FACILITIES BILL.

(*The Earl of Carnarvon.*)

(NO. 56.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CARNARVON, in moving that the Bill be now read the second time, said, he had hoped that the second reading would have passed without opposition; but the Notice for its rejection given by his noble Friend (the Earl of Shaftesbury) rendered it necessary for him to give an explanation of the measure; and whatever its fate, he was desirous that it should be fully discussed. Its object and its provisions were very simple. Its object was to pro-



vide facilities for the performance of Public Worship, according to the rites and ceremonies of the Church of England. To its first provision that upon the application or with the consent in writing of the incumbent of any parish, the Bishop of the diocese might licence a clergyman of the Church of England to officiate in a schoolroom or other suitable building within the parish, he anticipated no objection. The second provision empowered a Bishop, in a parish containing not less than 1,000 inhabitants, on the application of 25 resident inhabitants, setting forth the existing facilities for public worship in the parish, and the additional facilities which they desire to have provided, and after hearing any objections, to licence a clergyman for the performance of Divine worship in any specified schoolroom or other suitable building; and the third provision empowered the Bishop to licence a clergyman to officiate in chapels attached to private residences, on the application of the owner, subject to the conditions that such chapel should be for the sole use of the owner or occupier and of the persons residing in the premises or precincts, or that the residence was situated in a parish containing more than 1,000 inhabitants, or was distant at least one mile from any parish church. These clauses were carefully guarded by provisions against abuse—such as for the revocation of the licence, that the licence should not include the solemnization of marriage, and for the registration of baptisms, and in Committee the securities might, if necessary—he should himself wish to alter one or two points—he strengthened without impairing the principle of the Bill. He was quite at a loss to know what was the precise objection to the Bill entertained by his noble Friend who had given Notice of his intention to move the rejection of the second reading. The only reasonable objections which he could foresee were that the measure might involve a certain invasion of the parochial system; that it might excite division and strife, and that it vested too large a power in Bishops. Now, he (the Earl of Carnarvon) yielded to no man in his admiration and love for the parochial system—it had, as he believed, been the means of affording the greatest spiritual advantages and blessings throughout the

country; but at the same time that he admired the system he thought it would be absurd to raise it into a sort of fetish, and to say that under no circumstances should it be touched. That would be to sacrifice the spirit and to preserve the dry bones. Moreover, already from the mere force of circumstances the principle had been infringed in the cases of the Army, the hospitals, and workhouses, and the case of large towns, for it was admittedly impossible to enforce it strictly in the case of parishes with overgrown populations. As to country districts, he at first entertained some doubts, but the magnitude of the evil and the insufficiency of the existing machinery had convinced him that the Bill was necessary. Without quoting the numerous letters he had received, he would appeal to the Episcopal Bench whether in every diocese there were not parishes with large populations, anxious to subscribe the means for extending and improving their religious organization, and to provide everything requisite for their spiritual wants, but where all religious action was practically stopped by the age, indolence, or wilful negligence of the incumbents, to whom the law gave a veto on any kind of reform, however earnestly desired by the parishioners and the Bishop. A right rev. Prelate not present had in his recent charge described such parishes as the disgrace of the diocese and the despair of the Bishop, the clergymen neither doing their duty nor allowing others to do it, and straining to the uttermost the rights given them by the parochial system to protect them in, not from, their work. But a parish was not made for the incumbent, and though he had a freehold in the estate of his parish, he had no freehold in the souls of his parishioners. Only a measure like this would touch the evil. It had been said that this measure would produce strife and division in parishes. He (the Earl of Carnarvon) doubted whether it was likely to be put in force in any parish in circumstances which might lead to strife and discord; but if it should be so, he should prefer some measure of these to the stagnation now prevailing in such parishes. It might be thought too, that the Bill gave too arbitrary a power to the Bishops. But if we had Bishops invested with large spiritual and secular powers, it must be

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assumed that they would not abuse their trust. They acted, moreover, in the full light of public opinion, with a degree of responsibility scarcely resting on any layman, and it was a chimera to suppose that they would gratuitously promote parochial strife, the results of which would inevitably re-act on themselves. Their decision would have to be given in writing, the incumbent would have every facility of objecting, and the whole transaction would be as public as possible; while, should an unworthy person be unfortunately licensed, the licence was revocable by the Bishop. He would have nothing to do with the Bill were it likely to tell for one party in the Church and against another; but its effect, if any, must be equal on both parties, who would be equally able to take advantage of it; and it was more fit to meet the difficulties he had described than difficulties arising from differences of opinion. At present, as long as an incumbent complied with the bare requirements of the law, no action could be taken, though the Church might find dissent grow and infidelity increase—every other sect being free to open places of worship, and the Church alone being chained up and barred, however much the parishioners and the Bishop desired to remedy the evil. No measure of this kind could be free from objections, but they were far outweighed by its advantages; and in nine cases out of ten the freedom and power given by the Bill to the laity and diocesan would operate as a sufficient stimulus to induce a negligent or obstinate clergyman to meet the requirements of the parish. No one was more familiar with the evil than the noble Earl (the Earl of Shaftesbury), and he would entreat him to propose a remedy, if he had one, but not to adopt towards the Bill a *non possumus* policy. The noble Earl, who had lightened many burdens, should not take the responsibility of stopping a measure which could produce only an infinitesimal degree of mischief, and of thereby leaving parishes in a state of paralysis and bondage, with the life-giving influences of religion checked.

Moved, "That the Bill be now read 2."—(*The Earl of Carnarvon*).

THE EARL OF SHAFTESBURY, in moving the Amendment of which he had given Notice—that the Bill be read a

second time that day three months—said, that the magnitude of the subject did not seem to be altogether appreciated by the noble Earl who had taken charge of the Bill. He (the Earl of Shaftesbury) had been appealed to not to impede the progress of true religion and shut out the light from the dark recesses of large populations. Now, so far from doing that, he would open the doors much wider than the noble Earl was prepared to do; he was prepared for a large and extensive scheme for letting in the light as far as possible on the whole mass of the population. The public hitherto had been silent on the Bill, but the clergy, in private communications, had not been entirely indifferent to it. One of the first men in the Church, Mr. Miller, of Greenwich, had described it as a revolutionary measure; and a letter he had just received from another incumbent denounced it as the culminating point of Episcopal aggression. The Bill was vicious in principle; and while he admitted that something ought to be done, it would be a remedy far worse than the disease, impairing, without any compensating advantage, the integrity and independence of the parochial system, and bringing great discredit on the Establishment itself. It was quietly introduced into the House of Commons, and passed through Committee in the small hours with one or two Amendments, but without a single speech throwing any light on its object and purpose. No public man besides the noble Earl had come forward as an advocate of it, and only two other authorities had been found in its favour—one, a pamphlet endorsed by Mr. Salt, the introducer of the Bill, but written, he believed, by a friend of his; the other, in a letter by an admirable and excellent man, Mr. Ryle, rector of Stradbroke. All those authorities urged the necessity of affording the people the largest means of enjoying the religious worship of the Established Church, and the removal of many obstacles thereto, especially an abatement of the power of incumbents in obstructing all improvement by a rigid enforcement of the parochial system. Now, he (the Earl of Shaftesbury) concurred in the whole of that, and was prepared to go much further than the noble Earl in supporting a wide and deep reform, bringing the Church more into

harmony with the existing wants and feelings of the people, and even bringing its government under better supervision and control. Mr. Ryle, originally a staunch supporter of the Bill, writing last April to *The Record*, admitted that it was not faultless, and was open to serious objections, even going so far as to say—

"It interferes rudely with the parochial system of the Church of England. It affects the position of incumbents. It risks the introduction of divisions, strife, and party spirit into parishes. It places a dangerous amount of arbitrary power in the hands of Bishops. All these are undeniable evils."

Deeming the evil so great that he was prepared nevertheless to support the Bill, how would Mr. Ryle remedy that evil? These were his words, and they were well worthy of the attention of those who supported the Bill—

"We must break the bonds which black tape has too long placed on us, and cast them aside. We must take the bull by the horns, and supplement the ministry of inefficient incumbents by an organized system of Evangelical aggression, and that without waiting for any man's leave. Parishes must no longer be regarded as ecclesiastical preserves, within which no Churchman can fire a spiritual shot or do anything without the licence of the incumbent. This wretched notion must go down before a new order of things."

Now, if that system of aggression were good for the Evangelical party, as it was called, it was equally good for the Ritualist and the Broad Churchman; all must be allowed to make their several attacks and form their several congregations as the Bishops, with their several tastes, might give them leave. That that—which he could not contemplate without dismay—was no mere theory, was shown by a letter written by a clergyman of considerable note, Mr. Portal, of Beauclere, Newbury, a neighbour of the noble Earl, in which he advocated a wider latitude and provision for at least three distinct schools of teaching within the Establishment. After arguing the question at some length, he said—

"We have now our three recognized parties; and I believe it will be infinitely conducive to peace and to religious liberty when each of these parties is allowed to have its own preachers and its own worship."

Could their Lordships think that desirable? Even Mr. Ryle, whose first letter was written before fully ascertaining the contents of the Bill, had written another, in which he said—

"One crying want of this day is liberty for Churchmen to provide additional places for worship, without being obliged to wait for the sanction either of the incumbent or the Bishop. This ought to be the main principle of Mr. Salt's Bill. If the present Bill, now before the House of Lords, cannot be amended so as to provide this liberty, by all means let it be thrown out. It would not be worth having, and might do more harm than good."

The noble Earl (the Earl of Carnarvon) had spoken of the freedom enjoyed by other bodies as compared with the Church of England. Now, if he became a Unitarian or a Jew, he might have all the liberty he desired; but while a member of the Church of England he must surrender some portion of his liberty in return for the great privileges attached to an Established Church. As to proprietary chapels, they were by no means a parallel case, for the proprietor usually appointed the clergyman, while the incumbent's consent was necessary; whereas the Bill empowered the Bishop to nominate a clergyman in spite of the incumbent's objection. Now, in his Ecclesiastical Courts Bill, he (the Earl of Shaftesbury) had guarded against proceedings being improperly instituted against a clergyman by restricting the power of instituting a suit to three members of the Church, and by rendering them liable to costs as between attorney and client; but this Bill allowed 25 parishioners to set the Bishop in motion, without requiring them to be members of the Church, ratepayers, males, or even adults. In some parishes there were men whose object was to vex and worry the incumbent, and they would be able to take action under the Bill with that motive. As to the power to be conferred on Bishops—he wished to say, directly or indirectly, nothing which could be offensive to the Episcopal Bench, but Bishops were men of like passions and infirmities with laymen, and however satisfied one might be with the present occupants of the Bench, he could not be sure who would come after them. The operation of the Bill would resemble a system of terrorism, and many incumbents would never feel safe against being cited by 25 parishioners to give an account of their actions. Its operation was limited, indeed, to parishes with not less than 1,000 inhabitants; but the greatest amount of necessity, neglect, and ignorance existed in smaller parishes, and he could see no reason for a restric-

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tion which greatly weakened the case in favour of the Bill. As to the commission of inquiry which the Bishop, at his own option, or at the request of the incumbent or 10 parishioners, might appoint three out of its five members would be actually in the nomination of the Bishop, and experienced persons had told him that such a commission could not be discharged for less than £100. Even if the cost was only £50, it would be a serious matter for incumbents with small incomes. If the majority of the commissioners reported favourably, the Bishop might nominate a clergyman without the slightest regard for the feelings of the great bulk of the parishioners. He could conceive nothing more likely to drive people into Dissent. People had taken the parochial system with all its defects as inherited from their forefathers; but if, in addition to having an incumbent put upon them, another man could be put in by 25 parishioners, he believed many would declare the Established Church a nuisance, and would prefer other denominations. Then, again, the Bill required copies of the notice to be given by the Bishop to the incumbent, to be posted in all Church of England places of worship in the parish—thus making the whole proceeding public. That notice, moreover, was to specify the name and residence of the clergyman whom it was proposed to licence—clearly implying that the parishioners were to express their opinion of his doctrine, and whether he was Ritualistic, or Neological, or Evangelical. The question would be talked of in the workshops and gin-palaces, and much of the spirit and feeling attending the election of clergymen in certain parishes by popular election would be excited. The man appointed would be shut out from any parochial duties, subject to the revocation of his licence by the Bishop in a more summary way than any curate was liable to, and while the Bill did not touch the incumbent's endowment and disallowed pew-rents, it made no mention of Easter offerings, free gifts, and collections, all of which might be had recourse to; so that if the licencees were planted, as would often be the case, in the richest part of the parish, they would gradually be absorbed, leaving the incumbent to his endowment only. Moreover, the last Proviso afforded a means

whereby the Bishop might assign the new clergyman a source of income. It provided also—

"That the money given at the offertory and the alms collected at any public service held under this Act shall be disposed of as the incumbent and churchwardens may determine, unless the Ordinary shall otherwise direct."

Now, that was a Proviso which absolutely gave the Bishop the power to override the rubric, which said that—

"After Divine service is ended the money given at the offertory shall be disposed of for such pious and charitable uses as the ministers and the churchwardens shall think fit, wherein if they disagree it shall be disposed of as the Ordinary shall appoint."

Under the existing rubric, therefore, the Ordinary could not dispose of the money, unless the incumbent and the churchwardens disagreed; but under the Bill there would be no question of disagreements, and the Bishop might step in and direct the money to be disposed of entirely as he pleased, and the whole of it would, of course, go to maintain the new clergyman. In that way—and he was sorry to make the remark—a very large portion of patronage would in a short time pass into the hands of the Bishop. A clergyman, indeed, had written to him, entering into details as to an appointment which had been already made in the richest part of his parish, which was a very small one; and if the present Bill were to pass, a very large portion of his receipts would fall to nothing, and he would have to live on his own miserable endowment. He would pass over those objections to the measure, and would be prepared to give up all patronage, if necessary, if it stood in the way of the spiritual welfare of the people. He would, however, give it up only on the condition that it should not pass from lay into ecclesiastical hands. It was evident, he might add, that under the operation of the Bill the incumbent of a parish and the other clergyman who might be appointed would be likely to engage in a most strenuous rivalry. The one would be desirous of keeping his church full, while the other would have the same object in view with regard to his own place of worship; the one would strive to get the offerings, the other to keep them from him. That was a state of things which their Lordships could not, he thought, contemplate without regret. He recollected

well the energy with which a noble Marquess declaimed as to the supposed consequences in that respect of a Bill which he had introduced, enabling three men in a parish to "promote the Judge's office;" but the results in the present instance had been ten times worse, because instead of a single movement, there would be one which might be constantly renewed. Sunday after Sunday there would be such scenes as a Ritualistic clergyman and an Evangelical incumbent denouncing one another and hurling against one another the thunderbolts of theology. There would, in fact, be perpetual disputes, and perpetual rivalry. That being so, if Mr. Mackonochie—whose name he mentioned merely as a representative of extreme opinions as a High Churchman—had the care of souls in a certain parish, and that he (the Earl of Shaftesbury) who was supposed to be an extravagantly Low Churchman had the power of appointing Dr. McNeil to act with him—he should do no such thing, because he should think it horrible to give occasion for disputes, and the exchange of hard words from Sunday to Sunday. He objected to anything of the kind on principle, and because such proceedings were calculated to drive many people into infidelity, and to induce them to ask whether there was any such thing as truth at all. He now came to that part of the Bill which gave the incumbent the right of appeal to the Archbishop of the Province; and that led him to the subject of the expense connected with proceedings in the Ecclesiastical Courts. Knowing them to be enormous he had written to Archdeacon Denison, Archdeacon of Taunton, to ask him what was the cost of an appeal to the Archbishop—as he himself had made an appeal, and had been awfully punished in consequence. The reply of the Archdeacon was as follows:—

"East Brent, High-bridge, Jan. 11, 1873.

"Dear Lord Shaftesbury,—The first step in the matter of expense was the requirement of £100 guarantee on account of each of my two curates. This guarantee I gave. When the judgment of the Appeal Court was given in our favour, we were made to pay our own costs. My bill of costs was £509 11s. 6d. Other necessary expenses connected with the appeal brought up the amount to nearly £600. Besides this, a demand was made upon me for costs in my priest curate's case up to the time of withdrawal of his appeal."

[His appeal was withdrawn upon the ground of a technical difficulty created

by the Bishop having allowed his licence to lapse].

"I refused to pay the amount so demanded and have heard no more about it. I was also asked to pay £46 to the Archbishop's secretary for his attendance upon the Archbishop in Appeal Court. This I also refused to pay, and it was allowed that there was no legal claim for it. Upon the whole I have paid some £600, and, if I had paid all I was asked to pay, it would have been some £800. Upon the above statement, which I place unreservedly in your hands, it does certainly appear that to give curates such power of appeal as this is a simple mockery."

He was sure their Lordships would concur in that view. No doubt, the whole system of Ecclesiastical fees demanded revision; they were oppressive in the extreme—and here was a pretty hope of redress, to be held out to a clergyman seeking justice. Such were the contents and purport of the Bill to which their Lordships were invited to give a second reading. They would admit, he was sure, that they were worthy of grave consideration. The integrity and independence of the parochial system were threatened, and without any adequate compensation; and yet the parochial system was in the present day the only practical argument for the maintenance of our Established Church. That something should be done to limit the obstructive power of incumbents he did not deny. But they must resist an effort to place it exclusively in the hands of the Bishops, to the vast extension of their Episcopal power, and to the increase of their ecclesiastical patronage. To accomplish its end, that Bill would put one or more preaching-houses in every district approved by the Bishop. Each clergyman so named, as well as the invaded incumbent, must be in perpetual rivalry with each other to win or to retain the greatest number of attendants at their respective places of worship, the greatest amount of Easter offerings, free gifts, and the like; and, in their zeal, to canvass for the rich, not unfrequently forgetting the poor. And yet how would that satisfy the people? Assume for the sake of argument, that it would give them more places of worship. Would it give them such a minister as they desired? Because, if it did not, the multiplication of places of worship would be of no avail. It was not so much the want of room as want of inclination that kept many away from our churches. They might see, at that moment, in London, churches in the

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midst of a dense population, not filled to the extent of one-third, because the minister and his services were altogether unattractive to them. Moreover, no sufficient reason had been assigned for the omission of the smaller population in the rural districts—generally the most necessitous, the most ignorant, and the most neglected. The minister oftentimes reigned paramount among them, with no resident country gentleman, away from public opinion, and not pressed by any of the sense of danger which arose from the presence of large masses. There were greater mischiefs to be apprehended from our rural districts than many people were aware of. It had been said that anyone who opposed this Bill must be prepared to propose a better. Was the assertion just? Was anyone bound to find a substitute for the proposition he rejected? Was it the dictate of common sense or the rule of ordinary life? But, so far as he was concerned, though there were none that he would offer as alternatives, there were some that he would rather accept than that Bill—all bad, but each preferable to the measure before them. He would like a Bill for a larger extension of district churches; he would even accept one for an increase of proprietary chapels; nor would he resist a Bill to restrain the rights of incumbents, and give to any ordained minister of the Church power to obey the call of a majority of dissatisfied parishioners, who, regardless of Bishop, rector, and patron, might form a congregation of their own choice—bad enough, he admitted—as approaching to the Congregational system, but yet better than ecclesiastical disorder under the sanction of authority. But the present Bill he must unhesitatingly oppose, for, in addition to its other evils, it was, as Mr. Miall said in *The Nonconformist* paper, the first step towards the disestablishment of the Church of England.

An Amendment moved to leave out ("now") and insert ("this day three months.")—(*The Earl of Shaftesbury*.)

THE ARCHBISHOP OF CANTERBURY said, the noble Earl who had just sat down (the Earl of Shaftesbury) appeared to think that the Bill originated with the Bishops, and that they looked upon it with great favour because it so largely increased their power. Now, the Bill

did not originate from the Episcopal Bench. Two years ago a similar Bill was proposed in the other House of Parliament, he believed, by the same hon. Gentleman who proposed this measure, which now came up to their Lordships; and as the Bishops supposed that the clergy had not had then sufficient time to consider the whole subject, and as the Bill appeared somewhat rudely to interfere with the parochial system, most of his right rev. Brethren opposed it, and it was rejected. In the two years that had since elapsed, the Mover of the Bill in the other House had taken counsel in all directions respecting his measure. It had been before the clergy and the laity now for nearly two years; and he was bound to say, so far as his information went, that no strong feeling of opposition had been manifested against it in the ordinary way of petitioning either branch of the Legislature. Therefore his right rev. Brethren and he felt themselves in a somewhat different position from that which they occupied two years ago. They were led to suppose that those evils which the noble Earl contemplated as likely to arise from that measure, could not have presented themselves to the great body of the members of the Church of England, otherwise they would have heard of their alarm. The Episcopal Bench therefore had to consider whether, a measure being proposed by a layman and supported principally by lay authority, and having passed the other House, and being introduced by a layman into their Lordships' House, ought by them to be opposed or supported. He confessed that, regarding the measure as a very difficult one, believing that it was capable of a great deal of amendment, and that much might be said against it—as the noble Earl had abundantly proved—he still thought that its defects were greatly surpassed by its merits, and that more was to be said in its favour; and therefore he was prepared to vote for its second reading. But neither he, nor any of his right rev. Brethren separately, nor the whole Bench collectively, desired to be held responsible for the introduction of the measure; consequently, when the Bill was called a measure of Episcopal aggression, it must be understood that it was not an aggression which the Bishops on their own motion had made on the rights of the laity or clergy. It was

quite possible that the measure might be of such a nature as greatly to increase their power, and he was glad if there was such confidence felt in the Bishops that lay members of the Church desired—if they did desire—to place so much power in their hands; and he did not believe it would be possible to construct any measure for the improvement of the Church in which Members of the Episcopal Bench could be omitted from consideration, and not allowed that due degree of influence which their very office implied. The noble Earl appeared to think the Bill gave the Bishops the power of nominating clergymen in a parish; but, as he read it, it gave no such power. The persons who were to nominate the clergymen were the laity of the parish. A certain number of laymen, perhaps too few—though that could be set right in Committee—requested that a certain clergyman should be licensed, and the Bishop had nothing to do with the matter, except either to licence or not to licence him. The power of the Bishops, therefore, would not be so largely increased as the noble Earl had imagined. He gathered from the noble Earl's speech that this was in no way a party question—in the sense of theological party. The noble Earl quoted a venerable Archdeacon, with whom he appeared to be in correspondence, and also the authority of Mr. Ryle; so that there seemed really to be a division of opinion on that matter, altogether irrespective of party; and he inferred from this that the measure, be it good or bad, was perfectly impartial, offering no more power to one party than to another. Before he proceeded to consider the objections of the noble Earl, he desired to call attention to one or two ways in which, according to the ancient constitution of the Church of England, the parochial system had in past times been somewhat interfered with. It was a common mistake to suppose that a parish could not be subdivided without the consent of the incumbent. Acts which bore the name of a noble Duke opposite and of Sir Robert Peel, gave power for the sub-division of parishes, and therefore interfered with the rights of those who were at the head of the old parishes. In his administration of the diocese of London, he too often found that when it was proposed to sub-divide a parish the incumbent was dead against

it. Then the power of the Ecclesiastical Commission and the Bishop of the diocese were put in force, and the parish was sub-divided, and the clergyman who before had been endeavouring to force his way into the parish himself became an incumbent. But in London the population increased very rapidly, and the clergyman who had forced his way into the parish of the original incumbent soon found some other clergyman equally anxious to force his way into his parish; and however eager he had been to obtain access to the parish of the old incumbent, he was almost certain to resist strenuously the attempt of the new-comer. They might, therefore, go too far in preserving the rights of incumbents. No doubt, they had rights, and these rights ought to be respected; but he considered their right as of no importance at all, if they in any way interfered with the spiritual benefit of the people placed under their charge. Moreover, from the days of the Commonwealth, if not before, there had been lecturers in most of the large parishes; and though the incumbent might have power to protest against the appointment of the lecturer, in point of law, he was quite certain that some pressure, gentle or otherwise, would be brought to bear to secure the appointment; and the lecturer, once appointed, he was not aware that a new incumbent coming into office could remove the lecturer otherwise than by undertaking all the duties himself, and even then there would be great difficulty in preventing the lecturer from performing the duties for which he was appointed. Then there were proprietary chapels, with many of which they were familiar, in London. In London, indeed, in the days of his predecessor, Bishop Porteus, he believed the only real extension of the Church of England to the wants of the congregation came from the introduction of these proprietary chapels, which were not very easily distinguishable from the sort of chapel proposed to be erected by this Bill. It was true that the consent of the incumbent, willing or unwilling, given freely or under pressure, was required before a clergyman could obtain possession of one of these proprietary chapels; but, once there, it was impossible for the incumbent to remove him, and he remained irremovable in

spite of the incumbent, exercising his office according to a system which, whether it belonged to the original Constitution of the Church or not, was at least a hundred years old. Therefore, there was not so much novelty as at first appeared in the proposal of the noble Earl who had introduced this Bill. Moreover, in the overgrown parishes of London, it was considered most desirable to introduce missionary clergymen to exercise their office among the poor. Those persons were selected for the express purpose of ministering to the poor, and they were persons, generally, who had a certain capacity for addressing the labouring classes. It was very true that the incumbent might at any time refuse permission to any of these persons to officiate in his parish; but, as a matter of fact, incumbents were in one way or another induced to allow these somewhat irregular agencies, and the missionary clergy were reckoned, as he heard that day at a meeting of the Bishop of London's Fund, one of the most valuable agencies at present in existence for the evangelization of a large class of our fellow-countrymen. Therefore, though this measure might go a little further, it was still travelling in the course in which legislation and custom had been travelling of late years—relaxing the parochial system in order to meet the exigencies which arose by an increasing population; or by an increased sense of responsibility to that population. He should be quite ready to agree that the measure should go to a Select Committee, or that it should be examined in detail in a Committee of the Whole House and every provision dealt with upon its merits; but he must allude to a few more of the points raised by the noble Earl. Seeing the need for an extension of the evangelizing agency of the Church, he was not prepared to reject the measure. He was surprised that the noble Earl should be so afraid of the name of the clergyman being submitted to the parishioners. The noble Earl seemed to think that nothing but evil could possibly arise from such a system, but, with some little inconsistency, he suggested at the end of his speech, that the laity should be the persons to pronounce judgment upon the qualifications of their minister. He (the Archbishop of Canterbury) saw no objection to the laity having a voice

in the appointment of the clergyman, or to the names being placed on the church door, in order to give them publicity; and he could imagine an incumbent who had not done a great deal in past times, being stirred to a sense of duty by the knowledge, that there was a chance of his parishioners nominating some person whom the Bishop would licence to perform certain functions which he had failed to perform. He should certainly object to the Bishop appointing three members of the Commission, and he saw nothing in the Bill to throw the expenses on the clergyman of the parish; but if any, those expenses would be very small indeed. His belief was with regard to fees, that the fees complained of by the noble Earl were not ecclesiastical, but were those payable to certain members of the legal profession who were called upon to address the Archbishops and Bishops on these occasions. He knew that in the case of Appeal to which the noble Earl alluded, two gentlemen of the long robe addressed him (the Archbishop of Canterbury) in a long oration, and a very considerable portion of the sum of £600, of which mention had been made, went no doubt into the pockets of those gentlemen. In conclusion, he must say that he had found this a matter somewhat difficult to decide, but upon the whole, he thought that the Bill ought to be carried. He had no fear that its effect would be to abate the zeal of Churchmen for the erection of new churches, for in the diocese of London it was found that the construction of these temporary chapels almost always led to the erection of a permanent church afterwards. The noble Earl who moved the rejection of the Bill feared that the destruction of the Church would follow, because the Bill adapted itself to the wants of the times in the manner proposed. He (the Archbishop of Canterbury) did not share in that fear, and the noble Earl's remarks, in which he quoted Mr. Miall, reminded him of a recent discussion in that House, and which had been echoed back from Scotland, in which it appeared that the seceding bodies in Scotland expressed an apprehension that any extension of the Established Church in Scotland would lead to its destruction. He thought that, on the contrary, its extension would strengthen it, and do some damage to those who had suddenly



awakened to a sense of its value. The clergyman of a parish claimed a monopoly, but it must be admitted that this was sometimes a monopoly of eccentricity or of neglect upon which it was desirable some check should be placed, and because the Bill imposed such a check, he had determined, after very considerable hesitation, to support the second reading.

THE BISHOP OF LLANDAFF said, that there was no difficulty in getting good congregations in Wales when the Church of England had an opportunity of putting itself before the people; and from a long practical experience, he could testify as to the necessity that existed for giving such facilities as were requisite for the purpose. Notwithstanding all the exertions of both Protestants and Dissenters, there was still a great amount of practical irreligion and ungodliness which required all the earnestness and zeal of Christians to contend against; more especially, when it was considered that under the existing system, it was impossible for members of the Church to do all they might do. The present jealousy of Episcopal power, of archidiaconal influence, and of the clergy generally, was utterly unworthy of many of those who entertained it, and he trusted that their Lordships would give a second reading to the Bill, in order that greater facilities of religious worship might be provided for the Church in Wales.

LORD DYNEVOR spoke from experience as a minister of the Church of 45 years' standing, and declared his conviction that the Bill would do more harm than good. He thought that in very large parishes the incumbent ought not to have a veto; but he believed that the effect of passing such a measure as that proposed by this Bill would be to create strife in every parish, and that it would prove an impediment to religion more than anything else. It would create a Cave of Adullam in every parish, and have effects similar to those which occurred in Ireland on the appointment of coadjutor priests by the Roman Catholic Bishops.

On Question that ("now") stand part of the Motion? Their Lordships divided:—Contents, 52; Not Contents, 68; majority, 16. Resolved in the negative; and Bill to be read 2<sup>d</sup> *this day three months*.

*The Archbishop of Canterbury*

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REGISTER FOR PARLIAMENTARY AND  
MUNICIPAL ELECTORS BILL.

(*The Lord Privy Seal.*)

(NO. 133.) SECOND READING.

Order of the Day for the Second Reading, read.

VISCOUNT HALIFAX, in moving that the Bill be now read the second time, said, that he had supposed that, considering that the Bill related solely to the constitution of the other House, and that it had been introduced and fully discussed there, it would not have been necessary for him to say more than a few words in asking their Lordships to give it the second reading. But the Notice which had been placed upon the Paper by the noble and learned Lord opposite (Lord Cairns) made it necessary to go into the details of the measure at greater length than he had proposed. As to the principle of the Bill, no opposition whatever had been raised in the other House. So far both sides were in accord. Why, therefore, the noble and learned Lord should now move its rejection was more than he could understand. If indeed, the noble and learned Lord objected to certain of the clauses, and had given Notice that they should be omitted in Committee, or if he thought that some of the details could be advantageously altered, or that some new propositions could be advantageously added, that could have been easily understood; the noble and learned Lord's objections and wishes could have been considered and, where needful, concessions might have been made; but the noble and learned Lord's proposition to reject the Bill altogether was not, under the circumstances, easily intelligible. The primary object of the Bill was to provide for a single register of Parliamentary and municipal votes; and a second object was the prevention of frivolous objections, and for providing a simpler form of appeal against the decisions of the Revising Barrister that at present existed. For the first of these purposes the Bill provided that where a municipal borough is wholly or partly coincident with a Parliamentary borough, the electors of such Parliamentary borough and the

burgesses of such municipal borough shall be comprised in one register of electors. For this purpose the registration of burgesses was assimilated to the registration of Parliamentary electors, and all the provisions of the Parliamentary Electors Registration Acts were, so far as circumstances would admit, made applicable to the former. As the dates fixed by the present law for qualifications, claims, revision, and so on, in respect of the municipal and Parliamentary franchises were generally dissimilar, it was provided by the 3rd clause that all dates now provided by the Acts relating either to Parliamentary or municipal elections should be altered, and that the dates applicable to the several subjects should be the same for both. The first Schedule appended to the Act set forth in a tabular form the present and the substituted dates. The 5th clause contained a complete scheme for the registration of lodgers. The second section of the Bill was directed to the prevention of frivolous objections. It was enacted that every notice of objection, to be valid, must state specifically the ground or grounds of objection. Each ground of objection was to be treated by the Revising Barrister as a separate objection, and he was directed to award costs to the amount of at least 2s. 6d. on each several objection that might fail, notwithstanding that the claim might be struck out upon some other ground. Where a person who is actually on the list of voters is objected to, and the voter is retained on the list, the Revising Barrister is to order costs to be paid to the person objected to. He thought these penalties would be sufficient to protect persons from the annoyance of frivolous objections. They would probably prevent unscrupulous agents from giving notices of objection on the calculation that the persons objected to might not think it worth while to attend to maintain their claims. The length to which this vexatious practice was sometimes carried might be shown from the fact that in the last registration for Oldham 11,000 objections were made when the total number of electors was about 14,000. The Bill also contained a variety of provisions relating to the Revising Barristers' Courts and the procedure by and before that officer. The only clauses with which he should trouble their Lordships were those

which provided an appeal from the decision of the Revising Barrister, and directed that there should be an evening sitting for the purpose of revising. In the first case it was provided that the Revising Barrister might be compelled by the person aggrieved to state a case for the decision of the Court of Common Pleas, and in the latter it was provided that every barrister appointed to revise the list for any Parliamentary or Municipal borough containing a population exceeding 10,000 shall hold at least one evening sitting of his Court in such borough, for the convenience of those persons who by reason of the nature of their employment, or otherwise, are unable to attend the Court during the day. He thought this provision would confer a great boon upon the poorer classes of voters. These were the principal provisions of this important measure as it was sent up to their Lordships from the other House, after having undergone careful consideration and much alteration in Committee. The Bill could not, he thought, be looked upon with any considerations of party whatever. It had been introduced simply to facilitate the exercise of the franchise by those upon whom it had been recently conferred by the Legislature, and, so far as he could see, must be beneficial to both parties alike. The Act of 1867 had made the Parliamentary and Municipal franchise in boroughs identical, and it was a pure waste of time and expense to have two registrations of the same qualification of the same person. He trusted, therefore, their Lordships would not withhold their assent to the Bill which had been sent up to them by the other House of Parliament. He might add that the Bill was not to extend to Scotland and Ireland.

*Moved*, "That the Bill be now read 2<sup>d</sup>."—(*The Lord Privy Seal*).

LORD CAIRNS said, the noble Viscount (the Lord Privy Seal) was unable to see on what grounds any opposition would be offered to the second reading of the Bill; and, having heard the objections which had occurred to the noble Viscount as being the only objections that could be raised to it, he (Lord Cairns) perhaps must not be surprised at his surprise. He knew so well the candour of the noble Viscount that, when he ventured to state some of the

objections which had not yet occurred to his noble Friend's mind, he did not altogether despair that he would be disposed to agree that under the guise of a very simple character the Bill, when it came to be understood, embraced changes of very great gravity and very great danger. Before dealing with the objects of the Bill as stated by the noble Viscount, he solicited particular attention to the manner in which as a piece of legislation it proposed to deal with the registration law of the country. There were at present some 10 or 12 statutes—doubtless of a complicated character—provided for the borough and county registration of England; but those statutes had by degrees come to be so well understood that during last year there were scarcely any appeals, and perhaps he might say no appeal involving any question of importance. They abounded in minute details of dates, times, and periods at which and during which certain steps must be taken in boroughs and counties, and with those dates all the official bodies and individuals in the boroughs and counties were now perfectly well acquainted. He did not know whether their Lordships were disposed to attend to what might be termed "a Chinese puzzle;" but he could direct attention to a number of Chinese puzzles of a most intricate kind which might rise out of the Bill. The first Schedule gave about 20 or 30 dates in one column, and about 20 or 30 other dates in another column; the dates in the later column being the dates to be substituted for the dates in the earlier column. He demurred to the idea that it was the business, the duty, or the privilege of Parliament to set Chinese puzzles for the people of this country, and for the Judges who had to decide what the law of the country was. Their Lordships were supposed to have a little more leisure than the other House of Parliament, and that they could therefore supervise the legislation of the other House, and see that it was expressed in a proper manner; and that that was necessary in this case he could show, for of all the Bills brought up from the other House, or, indeed, presented to Parliament for consideration within his experience, that was the worst. In fact, he never before saw anything like the way in which the Bill proposed to deal with the whole series of Acts of Parliament, sprinkling

new dates over old ones, and introducing new names to be substituted for others. The 5th section provided that every person claiming to be a Parliamentary elector for any borough in respect of the occupation of lodgings shall send his claim to the overseers "after the day substituted by this Act for the last day of July, and on or before the day substituted by this Act for the twenty-fifth day of August;" so that the intended claimant must study his almanac carefully to see to what the dates referred. Part of the Bill was to come into operation immediately after it passed, and the residue was not to take effect till January 1874. Would their Lordships desire to have a metaphysical puzzle? If they did, they had only to look at the 44th section, which specified certain clauses that were to come into operation on the passing of the Act, and the remainder of the Bill, which included that very section, was not to come into operation till the 2nd of January, 1874. The section, which was to make the other sections come into operation immediately, was not itself to come into operation till January, 1874. The repealing clause, too, which was to repeal existing provisions as to registration, was not to take effect till next year, and therefore, if they passed the Bill, there would be two sets of provisions as to registration in force at the same time. The Bill was positively disgraceful in point of drawing; and it was useless to go into Committee upon it; for it could not be amended so as to provide a Code of Municipal and Parliamentary Registration Law. The Select Committee of the House of Commons, though they differed on many points, united in the recommendation that a Consolidation Bill should be introduced without delay, dealing with the borough registration. This Bill, however, was not to affect the list of voters for this year, either Parliamentary or municipal. It could not affect any municipal list except that which came into operation in November, 1874; and it could not affect any list of Parliamentary voters, which would come into operation till after, in all probability, there had been a new Election. The objects of the Bill as described by the noble Viscount were to have one list of voters both for Parliamentary boroughs and municipal boroughs; to provide a practical appeal, which there had not been hitherto, against improper

rejection of claims; to make provision with regard to frivolous objections against the claims of voters. That was what the Bill aimed at, and what it failed to secure. The noble Viscount said it was desirable there should be only one register and one revision of Parliamentary and municipal voters, and all that he stated about the saving of expense was connected with that revision. What the Bill aimed at in regard to the saving of expense it signally failed in effecting, and he hoped to convince the noble Viscount himself that it was impossible to have one list for Parliamentary and municipal electors. The Bill, in fact, admitted upon the face of it, that there could not be one list. In sub-section 4 of Clause 4 it was provided that—

"Where a Parliamentary borough is wholly or partly coincident with a municipal borough, the list, for the purpose of claims and objections, and (if and so far as the revising barrister so directs) for the purpose of the revision thereof, shall be deemed to be composed of two separate lists, of which one (omitting part B. of the first column and everything exclusively relating thereto) relates only to Parliamentary electors, and the other (omitting part A. of the first column and everything exclusively relating thereto) relates only to burgesses."

Thus having gone through the operation of printing upon one and the same paper a list of the burgesses and the Parliamentary electors, it was necessary to declare that this was to be read not as one, but as two lists. If their Lordships would look at this list in the Schedule, they would find that any man in the country might be misled, and that there would be people coming forward to vote at Parliamentary elections because their names were in this list, whereas they were only entitled to vote at municipal elections. And the saving of expense would be effected by burdening these districts with the expense of preparing and printing this double list when they only wanted one list. He now came to the question of revision. The obscurity with which this Bill was drawn was so great that it had almost passed the House of Commons before its effect upon the counties of England came to be known, and the counties were now only awaking to that knowledge. He could state from communications addressed to himself—and other noble Lords had received similar representations—that the effect of the Bill was regarded in the counties with positive alarm.

Their Lordships would remember that the measure was not brought forward for the purpose of giving to the counties any advantage whatever, or of saving the counties a single shilling; yet it overthrew the whole system of county registration in England for the purpose of conferring some supposed advantage upon the boroughs. The present Parliamentary revision in counties was fixed at the most convenient period—namely, between the 20th of September and the last day of October. The harvest was then over, the agricultural classes had a little leisure, and when the revision was concluded, there was a period of two months between the 31st of October and the 1st of January, when the county list came into operation. In 1867, it was found that one month was insufficient, and arrangements were made to give two months for this purpose. But in order to get the Revising Barristers to work earlier and to have the list out in time for the municipal elections in November, this Bill proposed that the dates should be altered. The county revision was now to be carried on between the 9th of August and the 20th of September. In the northern counties this was the period of the harvest; many of the circuits were settled for this period, and the Revising Barristers were engaged; so that for no purpose or advantage connected with counties, and for the mere object of getting out certain burgess lists with which the counties had nothing to do, the Bill proposed to subvert and overturn all the county arrangements, and to throw the county revision to a period when the claimants could not attend, when the legal profession could not attend, and when it was doubtful whether the Revising Barristers could be present. The Bill also shortened the period during which the clerks of the peace were to deliver the register. At present, the register was to be delivered between the 30th of November and the 31st of December. Under the Bill the 21st of October was to be the date of delivery of the register. He had received a communication from the clerk of the peace of a county in which there were 17,000 voters who assured him that it would be utterly impossible for him to see to the printing and revision of the lists for which he was responsible, and to have the register in operation by the 22nd October. That,

however, was the whole principle of the Bill. He believed that that had only been known lately in the counties, where it was expected that the Bill would be withdrawn when these defects were pointed out, and that a Consolidation Bill would be brought in. It was now found that the authors of the measure refused to make these alterations, and it was felt that the rejection of the Bill was absolutely necessary. The next object was to improve the right of appeal; but the appeal provided under the Bill was the purest mockery. The appeals from the revision under this Bill were to the Court of Common Pleas. The revision was to be carried out between the 9th of August and the 20th of September. The Court of Common Pleas sat on the 2nd of November; but the municipal elections were held on the 1st of November, so that all the voters who ought not to have been on the list would have voted, and all those who ought to have been on the register would lose their votes before the Court of Common Pleas could be appealed to, and next year another list would be made out. And that was the appeal provided by the present Bill. The next object of the Bill was to do away with frivolous objections. Well, they were bad things, but frivolous claims were just as bad, and he should say that that was really a Bill to turn frivolous claims into votes, and its machinery might be worked with unerring precision to accomplish this object. The effect of the Bill was, in the first place, to make the overseers of the poor the absolute masters of the registration of voters; secondly, to throw every possible obstacle in the way of making objections to bad claims; and, thirdly, to give every possible facility to the making of bad claims. Now, when an objection was made to a claim, the objector could be examined as to the validity of it, and if it turned out that the objection was frivolous, the Revising Barrister had full power to mulct the objector in costs. It did not, in the long run, suit the purpose of a political agent to make what were called frivolous objections, which were very irritating to the men objected to; and, besides being an impolitic course, it was a costly one. And on that point he should like to quote a Report of a Committee of the other House. They said that, as the Revising Barrister could not refuse to place on the

register a claimant to whom there was no objection, and as unqualified persons came on with undue facility—an evil which would prevail more largely but for the existence of party registration societies, by whom the register was purified and a check placed upon unqualified claims—they deprecated the very change proposed by this Bill—the throwing of the *onus probandi* on the objector; the Committee, therefore, were unwilling to cast unnecessary obstacles in the way of objectors, or to make the law more stringent and severe than it was in the matter of costs. Their Lordships, therefore, would not be led away by the term “frivolous objections.” It was essential to the purification of the register that there should be proper facilities for the making of objections. It was proposed by the Bill that an objector, even if the claimant did not appear, should give *prima facie* evidence of the validity of the objection—that was, evidence which would be conclusive if it were not met on the other side. Why, in many cases such evidence could be obtained only from the mouth of the claimant himself, and the objector could not state what he had simply heard or had reason to believe. Under such a requirement many would remain on the register who had no right to be there. It seemed as if the object of that part of the Bill was really to facilitate improper claims. Previously it was required that the successive occupations in one borough which constituted the qualification should be stated, but now only the last was to be named, and therefore it would be impossible for objectors to make the necessary investigations beforehand. Under the Bill objections might be made without *prima facie* evidence, without cost, without risk or liability, by the overseers, who, where politics ran high, were chosen as party men, and even if not now, certainly would be under the operation of this Bill, because the overseer would be master of the situation and proprietor of the register. But where objections were made by persons “other than the overseer,” *prima facie* proof was to be required. He was told that in some cases now party objections were made through overseers; but, at present, the other side had equal liberty of objection. This Bill would alter the footing of one party in each place, and so make at

each place the appointment of the overseer a party question. The Select Committee of the other House refused to entrust overseers with this duty and recommended the creation of a new officer for the purpose. An expiring Parliament ought not to make a fundamental change of the kind proposed by this Bill—a change, too, which could not come into operation before, to a moral certainty, we should have a new Parliament. An expiring Parliament would have been more usefully occupied in consolidating the law rather than in making fundamental changes in it, and discounting the proposals which must come before the new Parliament. He was anxious to facilitate the registration of lodgers as enfranchised by the Bill of 1867, but a clause of this Bill subverted the conditions on which the lodger franchise was granted. By the Bill of 1867 this franchise was carefully guarded by different considerations connected with the character of the house, of the tenure of the lodger, and the relations which existed between landlord and tenant, and it was further insisted that the claim of the lodger should be renewed every year. Those were the conditions on which it was deemed wise and safe to establish the lodger franchise. Curiously enough, this subverting clause was not in the Bill as originally introduced by the Government, and it had nothing whatever to do with the main object of the measure, which was to assimilate Parliamentary and Municipal elections. A very respectable Gentleman—Mr. Rathbone, the hon. Member for Liverpool—brought in a Bill containing this clause about lodgers, and the Government accepted it and introduced it into their own Bill. He had heard it said—he knew not with how much truth—that a great political effect would be produced in the borough of Liverpool by any measure which would place 2,000 more lodgers on the list, without a narrow scrutiny as to their right to be there. In regard to lodgers, objectors were required by the present Bill to give *prima facie* evidence of the ground of their objections, but that it would be almost always impossible to do in the case of lodgers. Again, the 5th clause of the Bill provided that the overseers should—

“Enter the particulars of each lodger claim in a separate list, with the claimants in alpha-

betical order, and should add 'objected to' against any claimant whom they might have reasonable cause to believe to be not entitled to be registered."

Now it was clear that an overseer, with a strong political bias, might object to a great many claimants, and if they did not appeal against the overseer's objection they would, as a matter of course, be struck off the list. In that way, the overseers might weed the lodger-roll from one end to the other; and it would be comparatively easy to succeed in doing this, because many of the lodgers were persons whom it was difficult to get to appear in Court. Besides, he would remark that these provisions as to the lodger franchise could not take effect except in reference to the list, which was not to come into force until the end of the year 1874; and he maintained that a change of such vast importance ought to be made in a new, and not in a moribund Parliament. He would suggest that the measure should be withdrawn, and that the Government should introduce a Consolidation Bill. As it now stood, he must repeat that it seemed to him to have three objects:—First, to make the overseers of the poor absolute masters of the registration of the country; second, to place every possible obstacle in the way of making objections to bad claims; and thirdly, to give every possible facility for turning bad claims into votes. For those reasons he should ask their Lordships to reject it.

An Amendment *moved*, to leave out ("now") and insert ("this day three months").—(*The Lord Cairns.*)

VISCOUNT HALIFAX, who was indistinctly heard, was understood to say that the House might strike out in Committee the clause relating to lodgers, so that could by no means be such a valid objection to the progress of the Bill as the speech of the noble and learned Lord implied. As to the objection against the alterations proposed in dates, the Schedules provided generally that the dates for the various proceedings in reference to registration and other things should be two months earlier than at present, and there was no "Chinese puzzle" in such a process of substitution. As to the objection on the score that only one part of the Bill would come into operation this year and the other part not till next

*Lord Cairns*

year, it was impossible to carry out a Bill of this description otherwise.

On Question, that ("now") stand part of the Motion? Their Lordships *divided*:—Contents, 26; Not-Contents, 62: Majority, 36.

*Resolved*, in the negative; and Bill to be read 2<sup>a</sup> *this day three months.*

#### CONTENTS.

Selborne, L. ( <i>L. Chancellor.</i> )	Boyle, L. ( <i>E. Cork and Orrery.</i> ) [ <i>Teller.</i> ]
York, Archp.	Calthorpe, L.
Saint Albans, D.	Camoy, L.
Allesbury, M.	Foley, L.
Lansdowne, M.	Gwydir, L.
Ripon, M.	Hammer, L.
Camperdown, E.	Hatherley, L.
Chichester, E.	Kenmare, L. ( <i>E. Kenmare.</i> )
Fortescue, E.	Methuen, L.
Kimberley, E.	Monson, L.
Canterbury, V.	O'Hagan, L.
Halifax, V.	Poltimore, L. [ <i>Teller.</i> ]
	Sundridge, L. ( <i>D. Argyll.</i> )
	Wrottesley, L.

#### NOT-CONTENTS.

Buckingham and Chandos, D.	Brodrick, L. ( <i>V. Middleton.</i> )
Leeds, D.	Bateman, L.
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Richmond, D.	Cairns, L.
Bath, M.	Colonsay, L.
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Lauderdale, E.	Plunket, L.
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Powis, E.	Ravensworth, L.
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Stradbroke, E.	Skelmersdale, L.
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Hardinge, V.	St. John of Bletso, L.
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Strathallan, V.	Ventry, L.
Templetown, V.	Vivian, L.
	Wigan, L. ( <i>B. Crawford and Bakewell.</i> )

# ADMISSION TO BENEFICES AND CHURCHWARDENSHIPS, &c., BILL.

(The Lord Archbishop of York.)

(No. 153). COMMITTEE.

House in Committee according to Order.

Clauses 1 and 2 agreed to with Amendments,

Clause 3 (Salaries of Archdeacons may be raised to £200 per annum.)

THE ARCHBISHOP OF YORK, in moving that the clause be agreed to, said, it was not intended to create any new charge on the Common Fund of the Ecclesiastical Commissioners.

THE EARL OF SHAFTESBURY, in moving to strike out the clause, said, he objected to these salaries being taken from that common fund which was intended solely to meet the spiritual necessities of the people. What was the sum already raised in various ways for the purposes of the archdeacons? According to a Return which he had, the archdeacons received £11,800 a-year, of which about £3,800 was for themselves, about £5,000 was for registries, £800 for officials, and £1,600 for apparitors. If that large sum of £11,800 per annum were better distributed, it would be sufficient for the archdeacons and for other purposes. The £5,000 a-year for registers was nearly all taken in fees from the parochial clergy. The clergy complained of the pressure of those fees, and that clause in the Bill took from the Ecclesiastical Commissioners to that extent the power of reducing them.

Moved, to leave out Clause 3,—(The Earl of Shaftesbury.)

THE EARL OF CARNARVON said, that the Bill had now arrived at a satisfactory point, and he trusted the noble Earl would not press his Amendment.

THE EARL OF SHAFTESBURY said, that he would not carry his Amendment to a division against the feeling of the House; but he begged solemnly to protest against the clause, and the payment from such a source. He was afraid it might be drawn into a precedent for the payment of additional bishoprics from the same fund.

Amendment, by leave of the Committee, withdrawn.

Clause agreed to.

Report of the said Amendments to be received To-morrow; and Bill to be printed as amended (No. 176.)

VOL. COXVI. [THIRD SERIES.]

## STATUTE LAW REVISION BILL [H.L.]

A Bill for further promoting the revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary—Was presented by The LORD CHANCELLOR; read 1<sup>a</sup>. (No. 174.)

## CROWN PRIVATE ESTATES BILL [H.L.]

A Bill to explain and amend the Crown Private Estates Act, 1862—Was presented by The LORD CHANCELLOR; read 1<sup>a</sup>. (No. 175.)

House adjourned at Ten o'clock,  
till To-morrow, half past  
Ten o'clock.

## HOUSE OF COMMONS,

Thursday, 26th June, 1873.

MINUTES.]—SELECT COMMITTEE—Cape of Good Hope and Zanzibar Mail Contract, nominated.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Municipal Elections (Cumulative Vote)\* [206]; Endowed Schools Act (1869) Amendment\* [207].

Committee—Report—Rating (Liability and Value) [146-205]; Canada Loan Guarantee\* [159]; Prison Officers Superannuation (Ireland)\* [142]; Court of Queen's Bench (Ireland) (Grand Juries)\* [198]; Married Women's Property Act (1870) Amendment\* [7].

Report—Blackwater Bridge\* [176].

Third Reading—Petitions of Right (Ireland)\* [189], and passed.

Withdrawn—Fires\* [31]; Capital Punishment Abolition\* [46].

## POOR LAW (SCOTLAND) INSPECTORS. QUESTION.

SIR ROBERT ANSTRUTHER asked the Secretary of State for the Home Department, Whether the Minute of the Board of Supervision, dated the 8th May last, relating to Inspectors of Poor in Scotland, has or has not been found to be in excess of the statutory powers conferred upon the Board by the Act of the 8th and 9th Vic. c. 83; and, whether, in the event of this being the case, it is his intention to instruct the Board of Supervision to cancel the Minute referred to?

MR. BRUCE: In answer to the Question of the hon. Baronet, I may say that in reply to an inquiry addressed to me by the Board of Education in Scotland, my right hon. and learned Friend the Lord Advocate informed them that, in



his opinion, the Minute issued by the Board of Supervision was beyond their powers, and that, so long as the Inspectors of the poor performed their duties "faithfully and efficiently," they had no power to deprive them of their appointments. In reply to the second Question, he begged to say that the Secretary of State had no power to instruct the Board of Supervision to cancel the Minute.

**ARMY—COMMANDER-IN-CHIEF OF THE FORCES IN IRELAND.—QUESTION.**

**MR. ANDERSON** asked the Secretary of State for War, If it be not the fact that the Commander-in-Chief of the Forces in Ireland has been absent from duty about fifteen months out of the last thirty; and, if not, how many; and whether, during all that absence, he was allowed to draw command allowance and table allowance, while the duties and expenses for which these allowances are made devolved on others?

**MR. CARDWELL:** In order to answer the Question which has been put by the hon. Gentleman it has been necessary for the Adjutant General to refer to the general officer commanding in Dublin, and as soon as a reply is received from him I shall be in a position to give the information asked for.

**GUNPOWDER ACT—SHIPMENT OF GUNPOWDER AT NEWHAVEN.**

**QUESTION.**

**MR. MILLER** asked the Secretary of State for the Home Department, Whether he intends to take measures to avert the imminent danger to Edinburgh, Leith, and neighbourhood, arising from the shipment of gunpowder at Newhaven Pier, and from the transmission of it from the manufactory to the pier, as now carried on, and as brought out in the Report of Major Majendie to the Government; and, if so, whether he is prepared to state what the measures are?

**MR. BRUCE:** Major Majendie's Report, which was very full and elaborate, was received at the Home Office on the 26th of May, and forwarded to the Leith Harbour Commissioners on the 30th. The Report contained several recommendations for the purpose of diminishing the risk now incurred both in the conveyance of powder and its shipment.

*Mr. Bruce*

These are now under the consideration of the Commissioners. With respect to any danger which may arise from the conveyance of gunpowder in disregard of the provisions of the Gunpowder Act, it is the duty of the local authorities, not of the Secretary of State, to take the necessary steps for enforcing the law.

**EDUCATION (SCOTLAND) ACT, 1872—THE POOR LAW.—QUESTION.**

**MR. MILLER** asked the Lord Advocate, Whether, under the provisions of "The Education (Scotland) Act, 1872," a parent would be rendered a pauper by having his child or children provided with Elementary Education under the sixty-ninth section of that Act; and, if there is any dubiety as to this, whether he will take such measures as to make it clear for the guidance of parochial boards?

**THE LORD ADVOCATE:** My attention has been called to the paragraph in the Minute of the Board of Education in Scotland which I presume has suggested the Question. When the Scotch Education Bill was under consideration in this House it was stated more than once that the payment of school fees under the clause referred to would not have the effect of rendering the parents of the child paupers. I expressed that opinion unhesitatingly, and I have expressed it to the Board of Education.

**SALMON FISHERIES (SCOTLAND.)**

**QUESTION.**

**MR. ELLIOT** asked the Secretary to the Treasury, Whether he can give an assurance that, as a general rule, proprietors of, or public bodies interested in, lands ex adverso of the sea shore where Salmon Fisheries belonging to the Crown are situate, shall have the refusal of such Salmon Fisheries; and, where exceptional circumstances appear to warrant a departure from such rule, that such proprietors or public bodies shall have full opportunity for representing their case to the proper department?

**MR. BAXTER:** Sir, the Commissioners of Woods and Forests inform me that it would be inconsistent with their duty to give such an absolute assurance as my hon. Friend seems to desire; but they will give every consideration to ap-

plications of proprietors of lands *ex adverso* of the sea shore wherever Salmon Fishings belonging to the Crown are to be let.

#### ELEMENTARY EDUCATION (ENGLAND)

##### ACT, 1870—THE NATIONAL ANTHEM.

###### QUESTION.

MR. HUNT asked the Vice President of the Council, Whether at a recent examination of a school in Wiltshire the Government Inspector refused to allow the children to sing "God save the Queen," as being contrary to the principles of the 7th section of "The Elementary Education Act, 1870;" and, if so, whether such refusal has the sanction of the Committee of Council on Education?

MR. W. E. FORSTER: Sir, in consequence of the information given to me by the right hon. Gentleman, I made inquiries in regard to this case, which I had not previously heard of. I found that the Government Inspector did think it his duty to prohibit the singing of the National Anthem during the hours for secular education, as being contrary to the Education Act. I need not say that he, like every other Inspector, would, from feelings of loyalty, have had great pleasure in hearing the Anthem sung, but he thought its singing under the circumstances contrary to the Act. The opinion of the Department, however, is that it is not so, and we have informed the Inspector that he laboured under a mistake.

#### ARMY—RECRUITS—INACCURATE RETURNS.—QUESTIONS.

SIR JOHN PAKINGTON, who had given Notice of his intention to ask the Secretary of State for War a Question with reference to a Return as to Recruits, said, In asking the right hon. Gentleman the Question that stands in my name, I am anxious it should not be assumed that any suspicion exists in my mind that the right hon. Gentleman personally gave any instructions to those who made these Returns that any Return should be made other than what was strictly conformable to the truth. I beg to ask the Secretary of State for War, Whether his attention has been drawn to a letter from Colonel Anson in the "Times" of the 24th instant, in

which Colonel Anson states, with reference to a "Return of the age and chest-measurement of Recruits since July, 1870," presented to the House of Lords on the Motion of the Duke of Richmond, that

"when the forms sent down to the various regiments to be filled up from their records were sent back, the Returns in some cases disclosed the fact that a certain laxity existed somewhere, and that men had been enlisted under regulation measurement. Where this was found to be the case, the Returns were sent back from the War Office with orders to the commanding officers to transfer the men enlisted under the regulation measurement from a column in the Return noting that fact to a column which showed them to be over the regulation measurement, and in such altered form was the Return presented;"

and, whether this statement is true; and, if so, what explanation can be given of the orders so sent to commanding officers to alter the figures with which they had filled up the column for chest-measurement in the Return?

MR. CARDWELL: Sir, when I saw the letter in *The Times*, I sent to the Adjutant General's Department for information upon the subject, and I am informed that the following are the circumstances of the case:—Under the Queen's Regulations the Commanding Officer of the regiment is bound to ascertain the chest-measurement of every recruit he passes, and no recruit is accepted who is below the regulation measurement without the special permission of His Royal Highness the Field-Marshal Commanding-in-Chief. When the Duke of Richmond's Return was moved for, it appeared that in some regiments recruits had been accepted, without any application for that special permission, who were below the regulation measurement. When this became known at the Horse Guards, the following Memorandum was issued:—

"Horse Guards, War Office,

"April 16, 1873.

"His Royal Highness the Field-Marshal Commanding-in-Chief directs that the accompanying Return be amended in the following way—viz., all the men shown therein as under 33 inches chest-measurement to whom no objection was raised by you or by the Officer commanding at the time being, on their being finally passed into the service, must be accounted for as of the regulated chest-measurement of 33 inches.

"C. A. EDWARDS."

It cannot be disputed that this was a grave error. The matter in question was the preparation of a Parliamentary Re-

turn, and the actual fact alone ought to have been looked to. Directions have been given which will prevent a recurrence, and for the amendment of the Return.

Afterwards—

COLONEL STUART KNOX said, with reference to the answer of the Secretary of State for War just given on this subject, he would ask, Whether, if an Officer connected with the War Office directed that false Returns should be sent in, he was merely to be told not to do so again?

MR. CARDWELL; Sir, that is a Question which the hon. and gallant Member had better put upon the Paper, if he wishes to ask it. I have already stated how this error—and it is a grave error—occurred, and that steps have been taken to prevent its recurrence.

LICENSING ACT AMENDMENT (IRELAND) BILL.—QUESTION.

SIR WILFRID LAWSON asked the Chief Secretary for Ireland, Whether he will arrange to introduce his Irish Licensing Act Amendment Bill at an hour when it can be fully discussed, seeing that the honourable Member for Oxford has given Notice of an Amendment calculated to raise a Debate on the whole Licensing system?

THE MARQUESS OF HARTINGTON, in reply, said, he feared it would be impossible that his Motion could come on in time to enable the House to have a full discussion of the subject, and he would ask the hon. and learned Gentleman (Mr. Harcourt) to re-consider his intention to raise the whole question of Licensing upon the Motion. Certain practical defects had been found in the working of the Licensing Act in Ireland which did not in any way touch the principle of the measure, and it was extremely desirable to remedy those defects; but if the Bill for this purpose was to be made the means of re-opening the whole policy of the Licensing Acts, he feared he should have no opportunity of proceeding with it.

MR. VERNON HARCOURT said, if the Government would give him any other opportunity of raising the question of amending the English Licensing Act, he should be very happy to give the noble Marquess every facility for proceeding with the Bill; but if they could

*Mr. Cardwell*

not hold out any hope of that kind, he was afraid he must persist in raising that question on the Motion of which the noble Marquess had given Notice.

CENTRAL ASIA—THE KHAN OF KALAT.—QUESTION.

MR. EASTWICK asked the Under Secretary of State for India, Whether it is true that relations have been broken off with the Khan of Kalat, and that the roads in the direction of Quetta are stopped?

MR. GRANT DUFF: Sir, in reply to my hon. Friend, I have to say that no information has as yet reached us with respect to the alleged rupture with Kalat.

POST OFFICE—MAIL CONTRACTS—CAPE OF GOOD HOPE AND ZANZIBAR. QUESTION.

MR. BOURKE asked the right hon. Member for Kilmarnock, Whether it is his intention to proceed with the Motion for the nomination of the Committee on the Zanzibar Mail Contract which stands amongst the Orders of the Day?

MR. BOUVERIE, in reply, said, that the last time the question was before the House it came on in an extraordinary way, and at half-past 1 o'clock in the morning, when there was no time to discuss it properly. The hon. Member for Gloucester (Mr. Monk) thought that the Committee to be named should be named not in the ordinary way, but by the Committee of Selection, and subsequently it was proposed that the debate be adjourned. Now, he (Mr. Bouverie) knew that if an adjournment took place, he had no command of the time of the House, and therefore he had no possible chance of bringing it on again, and he stated then that he should give up the whole question; but since then the right hon. Gentleman at the head of the Government, seeing that the question must be settled somehow, had given him precedence that night, when he hoped the question would come on in the ordinary way.

MERCANTILE MARINE—UNSEAWORTHY SHIPS — THE "ELEANOR." QUESTION.

MR. T. E. SMITH asked the President of the Board of Trade, Whether it

is true that the "Eleanor," one of the ships condemned as unseaworthy by the Board of Trade, has been sold to Norwegian owners, and has sailed away with British seamen on board?

MR. CHICHESTER FORTESCUE, in reply, said, it was true that the ship *Eleanor*, which had been declared by the Board of Trade to be unseaworthy, was sold to Norwegian owners, and she either had sailed or was about to sail away under the Norwegian flag. Whether she had British sailors on board or not he did not know; but if that were the fact, it would not give the Board of Trade power to stop her now that she was in her new hands. But he had communicated with the Foreign Office for the purpose of informing the Norwegian Government as to the history of the ship.

MR. T. E. SMITH gave Notice that he would on that day week ask the right hon. Gentleman, Whether he had considered the advisability of introducing a clause into the Merchant Shipping Act Amendment Bill to prevent the recurrence of such a transaction?

MR. CHICHESTER FORTESCUE: That clause is already in the Bill.

#### ARMY—INDIAN OFFICERS—SIEGE OF LUCKNOW.—QUESTION.

MAJOR TRENCH asked the Under Secretary of State for India, Whether there is any Royal Warrant or Horse Guards General Order depriving certain Officers of Her Majesty's Indian Army who, by length of service become entitled to promotion and increased pay, of the privilege of reckoning the additional year's service towards pay and pension, granted to them by Her Majesty for service in connection with the relief of Lucknow, under Horse Guards General Order dated June 2nd, 1862, when the additional year's service, if allowed to reckon, would bring with it increased pay; if there is no such Royal Warrant or General Order; whether he will state to the House why it is that Officers have not been allowed to reap the advantages to be derived from this additional year's service; and, whether he will read to the House the Horse Guards General Order of the 2nd June, 1862 (Lucknow, 1, 1862,) granting this boon?

MR. GRANT DUFF: In reply, Sir, to my hon. and gallant Friend's first Question, I have to say that, to the best of my knowledge and belief, there is no such Royal Warrant or Horse Guards General Order; but the question whether there is or is not is more properly one for my right hon. Friend the Secretary of State for War. In reply to my hon. and gallant Friend's second Question, I have to say that I am not aware that any Officers have been deprived of any benefits with respect to the year's service to which he alludes, granted to them by Royal Warrant or Horse Guards General Order. In reply to his third Question, I shall have much pleasure in complying with his request to read the Horse Guards General Order of the 2nd June, 1862, of which I have obtained a Copy from the War Office; but before doing so I may remind my hon. and gallant Friend that that document could have no sort of bearing on the Officers of the Indian Army who were at Lucknow, but only on those Officers of the British Army who happened to be there, except in so far as it may have been made specially applicable to the Officers of the Indian Army by the Government of India. This is the document—

"HORSE GUARDS GENERAL ORDER, NO. 810,  
JUNE 2, 1862.

"Her Majesty having been graciously pleased to grant to the Officers, Non-commissioned Officers, and Soldiers who comprised the garrison of Lucknow, in 1857, the permission to reckon an additional year's service towards pay and pension, and having been pleased to extend this boon to the force which entered that place under the late Sir Henry Havelock, in September of that year, is now further pleased to direct that the troops composing the detachment left by that Officer in the Alumbagh, on the 25th of September, together with those that subsequently entered it and remained there until the relief by Lord Clyde, on the 18th of November, 1857, shall also participate in the above-mentioned advantages. The additional year's service in all such cases is allowed to reckon towards the qualifications for 'medal and gratuity.' This grant is to be entered at once in the record of service of all those who are entitled to its advantages."

#### BANK ACT—THE CHEQUE BANK.

QUESTION.

MR. BIDDULPH asked Mr. Chancellor of the Exchequer, Whether his attention has been directed to an Institution called "The Cheque Bank;" and, whether he is of opinion that this

Institution, if successful, will not tend to infringe the principle of the Bank Act?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the nature of these banks seems to be this:—They receive money on deposit, and against that deposit issue cheques which cannot be filled up with a greater value than £10. These cheques are drawn payable either to the drawer or to the order of the drawer. My hon. Friend asks me whether I consider that such an institution interferes with the principles of the Bank Act. Now, Sir, the only principle clearly laid down with which I can think it would interfere is Section 11 of the 7 & 8 Vic., which says that bankers shall not issue bills, promissory notes, or Bank Notes payable on demand. These cheques, however, are not payable on demand; they are payable to the drawer or his order, and do not, therefore, come within the words of the section. They are, in fact, in the nature of Bills of Exchange which have not been accepted, and payment is coupled with the condition that there should be assets to meet them. It is not everything which economizes or dispenses with currency which contravenes the Bank Act, otherwise it might be objected that the general system of deposits economizes currency, and therefore contravenes the Act. The question really is, whether these notes are so much in the nature of Bank Notes that they do the duty of Bank Notes, and thereby infringe the Law. Now, I think this is not the case, because they are Bills of Exchange not accepted, and the nature of them is that the person holding them, if not paid, has no remedy against the person accepting them, but against the person who gave them to him. As the holder, therefore, has no remedy against the Bank, but only against the person who gives him the bill for payment, it is a matter of personal credit between these two persons, and the question of interfering with the currency does not arise.

#### IRELAND—THE LETTER-MULLEN COASTGUARD.—QUESTION.

MR. MITCHELL HENRY: Before I ask the noble Lord the Question which stands in my name, I wish to say a few words in explanation of it. In January or February last some logs of timber

*Mr. Biddulph*

either from a derelict vessel or, coming direct from the Atlantic, drifted on a remote island on the coast of Galway, and the timber was taken in charge by the coast guards in the usual way with the assistance of some fishermen. Shortly after the coast guards had taken possession of it, some persons from the main island came in a boat and attempted to remove the timber, whereupon the coast guard fired upon these men, who were unarmed, and killed two and wounded several others. A Coroner's inquest was held on the dead bodies in due course, and in February I asked the noble Lord the Chief Secretary what steps were being taken on the part of the Government to investigate the circumstances of the case, to which the noble Lord replied that he could give no answer to my question until the result of the Coroner's inquest was known. The result of the Coroner's inquest was that the commander of the coast guards and the chief boatman were committed for trial on a charge of manslaughter, and they are now awaiting their trial for that offence. The principal witness against these persons at the Coroner's inquest—"Agreed." This is a matter that refers to human life, and, therefore, I trust that the House will be patient. The Coroner's inquest was prolonged for a period of three months, but last month two of the principal witnesses, John Larkin and another, to whom my Question refers, were charged by the accused persons with perjury. ["Order!"] If necessary I will put myself into Order by concluding with a Motion. One of the accused persons having charged one of these principal witnesses with having committed perjury at the Coroner's inquest, and the resident magistrate who took these informations having committed the man to prison during the period of eight days, at a distance of thirty miles from where the alleged perjury had been committed. ["Order!"] As the House does not seem inclined to listen to me, I only say that the result is that the principal witnesses in a case of manslaughter have been committed on a charge of perjury, and the consequence is that the people in the neighbourhood are afraid to give evidence against the accused persons. Under these circumstances I wish to ask the noble Lord the Chief Secretary the following Question:—Whether he will explain the circum-

stances under which John Larkin, a principal witness against the Coast Guard in the fatal occurrence at Lettermullen, county of Galway, has been sent to prison on a charge of perjury, before the persons accused of manslaughter have been tried in the usual way; and, further, what action the Government is taking to insure a proper investigation into all the facts attending the use of firearms by the Coast Guard at Lettermullen?

THE MARQUESS OF HARTINGTON, in reply, said, that all the information the Government had received on the subject was that there was an investigation before two magistrates, and upon the deposition of two persons, supported by the evidence of five other witnesses, John Larkin was committed for trial in the regular way upon the charge of perjury, but was admitted to bail. As to the second part of the Question, the inquiry before the Coroner, which was extremely protracted, terminated in the committal to prison of an officer of the coast guard and one of the boatmen, and these men would be tried on the charge of manslaughter at the next Assizes. Pending the trial it was, of course, impossible for the Government to institute any general inquiry into the circumstances under which use was made of firearms on the occasion referred to. But even should the result of the inquiry be to show that the two men accused were not the persons who fired the shots, still, as there was no doubt that shots were fired, and that considerable loss of life resulted, the Government would think it necessary to institute a full and searching inquiry into the facts of the case.

POST OFFICE—MAIL CONTRACTS.  
CAPE OF GOOD HOPE AND ZANZIBAR.

MR. BRUCE (for the Prime Minister) moved—

“That the twenty-seven Orders of the Day following next to the Order for the Committee on the Rating (Liability and Value) Bill be deferred till after the Order of the Day for resuming the Adjourned Debate on the nomination of the Select Committee on the Cape of Good Hope and Zanzibar Mail Contract.”

MR. DISRAELI: What is the latest hour at which it will be taken?

MR. BRUCE: It will be taken at a reasonable hour.

MR. OSBORNE: That is very unsatisfactory. After what hour will it not be taken?

MR. BRUCE: The words “reasonable hour” have never received an exact definition in this House, and, with reference to the importance of the subject, the Government will take the most convenient opportunity for allowing the Order to come on.

MR. OSBORNE: What is the most convenient opportunity?

MR. MONK said, he did not understand the right hon. Member for Kilmarnock (Mr. Bouverie) to complain of the course he took the other night as to the nomination of the Committee; but he felt that some explanation was due to the House. It was not till he entered the House on Monday that he ascertained there was a general feeling that the Committee as proposed by his right hon. Friend consisted of too many Members, and that it should be appointed by the Committee of Selection. Entertaining those views himself, and having regard to the hour at which the Motion was brought on, the only course open to him was to move the Adjournment of the Debate. Finding when he came down to the House yesterday that the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt) had placed a Notice on the Paper with reference to the question, he considered that no further action was necessary on his part.

COLONEL BARTELOT said, he must appeal to the Home Secretary to state distinctly at what hour he intended the Debate to come on.

MR. BRUCE said, it was extremely inconvenient to fix the hour exactly; because if by any accident the discussion on the Rating (Liability and Value) Bill were protracted five minutes beyond the hour named the Government might be charged with breach of faith in going on with the debate on the nomination of the Zanzibar Committee.

MR. OSBORNE: I confess that I am not satisfied.

MR. BOUVERIE: I may state that the right hon. Gentleman at the head of the Government assured me he intended to give an opportunity for this question to come on at a fair hour of the evening. I understood before 12 o'clock.

Motion agreed to.

## RATING (LIABILITY AND VALUE)

BILL.—[BILL 146.]

(Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen,  
Mr. Hibbert.)

COMMITTEE. [Progress 20th June.]

Bill considered in Committee.

(In the Committee.)

Clause 14 (Application of Act to Metropolitan, 32 and 33 Vict. c. 67.), agreed to.

Clause 15 (Definition of Occupier.)

MR. PELL moved, in page 5, line 26, to leave out all after "The," to the end of sub-section 1, and to insert—

"occupier of any land shall, for the purposes of this Act, be taken to be the person entitled to the exercise of any right of fowling, shooting, sporting, or fishing on such land, although such right be severed from the occupation or ownership of the soil."

If this Amendment were adopted excessive disputes and excessive references to the assessment committee would be avoided.

MR. LOPES said, that as the Bill stood this would be the first time that the right of shooting severed from the land was to be rated, and it would cover the case of a landlord who reserved the right of shooting, but who did not exercise that right or preserve game.

MR. STANSFELD said, there was no doubt something in the criticism which the hon. Gentleman had just offered; but, practically speaking, the valuation which an assessment committee would put upon the right of sporting over an estate which was not exercised, and where there was no preserving, would be very nearly nominal. But if there was a right which was capable of being exercised, and was becoming of value some value must be attached to it, though it would probably be the minimum. The Amendment before the Committee had not met with much discussion, and he should content himself with referring to a subsequent Amendment of the hon. Member for South Norfolk (Mr. C. Read), which appeared to raise a question well worth the attentive consideration of the Committee—namely, what person should be rated with reference to the enjoyment of the right of sporting. As far as he was concerned, he had gone on this line of argument—that the occupation of the land and the enjoyment of the right of sporting were not, as a matter of fact, commonly in

the same hands. Those who enjoyed the right of sporting were not necessarily the occupiers of the land. If the owner occupied the land, he probably reserved the right of sporting; but there was no difficulty in that case, because the ownership, the occupation, and the right of sporting were all in the same hands. But suppose the owner of an estate had divided it into 20 different farms, occupied by 20 different tenants, but retained the right of sporting over it, or let the right to another person, his proposal was that in either case the owner should be rated. This proposal was founded on a principle of convenience, because the right of sporting might be let to one person or to a great number of persons. The hon. Member (Mr. Pell) proposed to rate the occupying tenant for the right of sport as if he enjoyed it on his own farm; but he thought the Committee would require more argument than they had yet heard to induce them to adopt that proposal, for it would place on one class of the community a liability they ought not to bear. His proposal, on the other hand, was that liability to pay rates in respect of the right of sport should fall on those who possessed and enjoyed that right, and it was only when it was let that the proprietor would, as a matter of convenience, be rated.

MR. CLARE READ observed that the moment they got away from the simplicity of rating hereditaments and proposed to rate the right of "sport" and all sorts of rights they would get into confusion. Game was a product, and they did not rate products. Even in the case of underwood, they rated, not the underwood, but the land on which it was grown. His proposal was to apply that rule everywhere. Game of all products was the most likely to vary, not only with the seasons, but with the caprices of the owner; but whether the land grew corn, sheep, or hares, he would have but one simple assessment. The difficulties of assessing "rights" would be innumerable. It would be almost impossible for the overseer to collect the rate. He might not know where the game tenant lived, and he could not distrain his hares and rabbits. He hoped the Committee would adopt his simple proposal.

MR. CORRANCE said, the right hon. Gentleman had created a monster. The

"owner" was actually made "occupier" in order to carry out this proposal.

Mr. DODSON said, he hoped the right hon. Gentleman in charge of the Bill would adopt the excellent suggestion of the hon. Member for South Norfolk (Mr. C. Read), which seemed to be the only one that would meet the difficulty. By the law of England game belonged to the occupier, and the Amendment of the hon. Member for South Norfolk would allow the assessment to proceed in every case on the supposition that the law was to be carried out in practice. The assessment committee would have only one person to deal with, and the value of the game would have to be settled as between the landlord and the tenant. In cases where there was very little game on the land, and where the owner reserved the right of sporting—and this was the case in many counties of England—it was absurd to put a rateable value on the reserved right and levy a separate rate.

COLONEL BARTHELOT said, he was glad these Amendments had been suggested on behalf of the tenant farmers by the hon. Member for South Norfolk (Mr. C. Read) and the hon. Member for South Leicestershire (Mr. Pell). Everyone must know it was in the interest of the whole community that one person should be responsible for the payment of rates. This was the most simple and straightforward way of doing the business, and therefore he hoped the right hon. Gentleman would accept the Amendment of the hon. Member for South Norfolk.

Mr. MUNTZ agreed that the only practical way was to rate the occupier. If the owner were rated would they distrain upon the tenant because the owner had not paid? Again, if the shooting were let to a third person, how could they enforce the rate against him? Would they distrain upon another man's land for his default? Further, there were millions of acres in England which were not preserved, and on them any rate upon the shooting could only be nominal in amount.

Mr. PELL said, it appeared to him that it would be utterly impossible for any assessment committee to apply the usual rule to hereditaments of so new and extraordinary a nature as those comprised under the name of game. It would be very difficult to arrive at a rateable value.

Mr. GATHORNE HARDY said, he thought it was a great mistake to cut up the land into these small allotments. Supposing a tenant had a farm of 20 acres and was rated for game, of course he could only be rated for those 20 acres, which would not be of much use to any person for sporting purposes. It seemed to him there was as much difficulty in rating the occupier as in rating the person who had the right of sporting.

THE ATTORNEY GENERAL said, the Committee had already passed a clause enacting that these incorporeal hereditaments should be rated when severed from the occupation of the soil. It was therefore of no use to go back to the earlier part of the Bill, and say it was inconvenient that one matter was to be subjected to two rates. The question arose as to who was to be rated—whether the person who was, in the ordinary sense, the owner of the land, or the person who was the tenant? He admitted that there might, in particular cases, be some difficulty in getting at either the owner or the occupier for the purposes of rating; but that was not a difficulty of the law, but of the application of the law. What the Committee had endeavoured to do was to settle what should be done by the local authorities in all cases of rating. The proposition of the Government had, at least, this convenience—that it did not enact an absolute rule, but said that the occupier or the owner might, according to the view of the assessment committee, be rated, leaving it to the assessment committee to settle each case according to its merits, and to rate the occupier or the owner, as appeared most convenient. It would have been impossible for the Government to have laid down a strict rule, which might, in many cases, be at variance with the facts.

Mr. GATHORNE HARDY said, that according to the wording of the clause to which the Attorney General alluded, the man who had the right of sporting was the person to be rated, and not the occupier. It seemed to him that that was an imperative clause, and not an optional one; and yet the hon. and learned Gentleman now said the assessment committees were to choose between the tenant of the land and the person who had the right of shooting over it.

THE ATTORNEY GENERAL said, the proposition of the Government, as



amended, was that the right might be either in the hands of the owner or of somebody who let it, and that the assessment committees would deal with each case as convenience dictated.

VISCOUNT GALWAY objected to the rating of game altogether, and he did not think that the matter was one that should be left in the hands of the assessment committee, who, in order to assess the rate fairly, would have to enter into laborious calculations as to the precise value of the game on every person's land. It would be better to require the occupier rather than the landlord to pay the rate.

MR. PEASE said, the whole of the counties in England were not like the counties of Norfolk and Suffolk, which abounded in game, and therefore could not bear to be rated in the same way as those two counties. In many districts in the North of England the game was worth little or nothing, and yet for that they had all degrees of preservation. If they began to rate for game in those districts, they would put it upon the assessment committee to find out that which it was almost impossible to discover.

MR. CLARE READ explained that it was on behalf of those counties where little game existed that he was anxious to carry his Amendment.

MR. PERCY WYNDHAM objected to the rating of game as involving a double rate upon the land. It was quite a new principle to rate game if the owner let the shooting, but not to rate it if he kept the shooting for himself.

SIR HARCOURT JOHNSTONE wished to know, in the case of a gentleman giving away the fishing on a river on his estate, who would be required to pay the rate in respect of it?

MR. LOPES felt that there would be this difficulty in adopting the proposed Amendments—that the land would be rateable for no more than it was now, whilst the Bill declared that rating should be extended. Rating at present applied to the whole value of the land. Subject to this difficulty he agreed in the proposed Amendments.

LORD GEORGE CAVENDISH pointed out that moors in such counties as Derby and York, in the neighbourhood of large towns, let at a higher figure for shooting than for pasture; and said the difficulty he felt was that under

the Amendment the tenant would not be rated more highly for the moor when it was let for shooting than if it were let for pasture. On the whole, he thought it would be better to take the words of the right hon. Gentleman (Mr. Stansfeld) and leave the responsibility with the Government. It could hardly be expected that in the first year of rating these incorporeal hereditaments everything would go quite straight.

MR. STAVELEY HILL said, he was not disposed to leave the responsibility with the Government. He objected to sending the Bill to the country to be worked by assessment committees, while the House of Commons was itself unable to say absolutely what was the meaning of the clause. In his opinion, the rateability ought to be one and undivided, as was suggested by his hon. Friend the Member for South Norfolk.

MR. CLARE READ said, that in the event of the land being let for shooting as well as for pasturage, he would let the assessment committee assess at the joint value; for instance, supposing it were let for 1s. 6d. an acre for pasturage and 1s. an acre for shooting, he would have it assessed at half-a-crown.

MR. HENLEY said, the advice of the hon. Member for East Sussex (Mr. Dodson) was very sound. He (Mr. Henley) put the case of a man refusing to pay the game assessment and inquired how the rate collector was to distrain. Was he to chase the hares as if they were so many Welsh sheep and impound them? This might, he considered, be a convenient way of making faggot votes, for all that an extensive landed proprietor had to do was to apportion out his shooting and sporting rights in sections of £15 each, when each of these tenants would as a matter of course come upon the Parliamentary register. He was afraid that if they passed the clause as it stood inconveniences would arise out of it which they by no means expected. He would suppose a man rated at 3d. in the pound for £5 valuation to be paid quarterly. How could they expect a rate-collector to waste his time in making those collections? The proposition of his hon. Friend the Member for South Leicestershire (Mr. Pell) was a simple one, and he thought our forefathers were very wise in saying that the man who occupied the land must pay the burden upon it.

MR. HINDE PALMER suggested that for the purpose of any poor rate the occupier of land should be the person rated in respect of any right of shooting, fishing, &c., but that such rating should not prejudice or interfere with any arrangement made between the landlord and tenant when such right was enjoyed separately from the occupation.

MR. DODSON said, he did not see any inconsistency in adopting the Amendment of the hon. Member for South Norfolk (Mr. C. Read), which he thought was the simplest way of meeting the difficulty. As to the moors of which the value for shooting was greater than for pasture, that was an exceptional case. The clause must be framed to meet ordinary cases, and the proposal of the hon. Member for South Norfolk seemed the best calculated to secure that purpose.

MR. HUNT submitted that in the case of a common where the lord of the manor enjoyed both the right of sporting and the right of the soil he should be held to be the occupier under this Bill.

MR. STANSFELD said, that in deference to the general feeling which appeared to prevail in favour of the Amendment of the hon. Member for South Norfolk (Mr. C. Read), he was prepared to accept that Amendment. He would also accept the Proviso of the hon. Member for South Leicestershire (Mr. Pell), if it were slightly amended, by leaving out the words "for the purposes of this Act," and, at the end, the words "or ownership."

MR. BRAND suggested another difficulty. In the event of one man being the lord of the manor and another the owner of the soil, which of them would be rated for the game?

MR. STANSFELD said, he would consider whether some words might not be introduced with the view of meeting cases of that kind.

Amendment (*Mr. Pell*) amended and agreed to.

MR. CLARE READ moved to add at the end of the clause the following—

"Provided, That the gross value of any land let or occupied by the owner for agricultural purposes shall be the full rent at which the land, irrespective of any reservation of game and timber, might reasonably be expected to let one year with another, free of all tenants' rates and

taxes, and tithe commutation rent charge if any. Provided always, That when any tenant shall pay any increase of rate by any such assessment of game or timber on any land which he may occupy under any lease or agreement at the time of the passing of this Act, he shall be entitled during the currency or continuance of such lease or agreement to deduct from any rent he may pay for such land the amount of the increase of such rate from such rent, and the amount of such increase shall be fixed and determined by the assessment committee of the union in which the land is situate."

MR. STANSFELD suggested that the second Proviso should be withdrawn, as his hon. Friend (Mr. C. Read) would see at a moment's reflection that the amount of increase in the rates could not be settled beforehand.

THE SOLICITOR GENERAL said, that the Amendment as it now stood would throw on the assessment committee the duty of arbitrating between landlord and tenant, which was something very different from what they were bound to undertake.

MR. CLARE READ said, suppose a man was now assessed at 30s. an acre, and the assessment committee raised the assessment for the future to 31s., what he wished was that the committee should have the power to say that the additional shilling was put on for the purpose of assessing the game.

Amendment agreed to.

Clause, as amended, ordered to stand part of the Bill.

Clause 16 (Definitions, 32 & 33 Vict. c. 67.) agreed to.

Clause 17 (Commencement of Act).

MR. LIDDELL observed that the clause referred to the "Valuation Act, 1873," and would require to be altered in the event, which he considered very probable, of the Valuation Bill not passing during the present Session.

MR. STANSFELD said, he did not at all despair of the Bill in question becoming law this Session. If, however, he saw reason hereafter for being less sanguine than he was on the subject, he would propose an alteration of the clause.

Clause agreed to.

Clause 18 (Saving as to mine where dues payable in kind).

MR. PEASE moved to add at the end of the clause the words—

"and no mine shall be rated under this Act until a portion of the produce thereof shall have been conveyed away from it for the purposes of sale or manufacture."

The object of this Amendment was to protect those parties who were searching for minerals, and who might produce small quantities and lay them on the surface, and then have to abandon the work because of its not being likely to be remunerative.

Mr. STANSFELD objected to the Amendment, observing that one might just as well propose that no farm should be rated until the tenant had reaped his first crop.

Amendment *negatived*.

Clause *agreed to*.

Clause 19 (Saving clause) *agreed to*.

Mr. STANSFELD moved, after Clause 7, to insert new Clause.

Clause *agreed to*, and added to the Bill.

Mr. STANSFELD moved, after Clause 11, to insert the following Clauses:—

"(Application of Act to Scotland.)"

"This part of this Act shall apply to Scotland, subject to the following provisions:—

"1. The expression 'hereditaments,' shall have the meaning assigned to the expression 'lands and heritages,' in the Act of the seven-teenth and eighteenth years of Her present Majesty, chapter ninety-one, intituled 'An Act for the Valuation of Lands and Heritages in Scotland,' and hereinafter called 'The Valuation of Lands (Scotland) Act:'

"The expression 'local rate,' shall mean any county, municipal, parochial, or other local rate or assessment:

"The expression 'valuation list,' shall mean the valuation roll in force for the time made up under 'The Valuation of Lands (Scotland) Act,' and any Acts amending the same:

"The expression 'Assessment Committee,' shall, with regard to any assessment, mean the authority empowered by law to impose such assessment:

"The expression 'umpire' shall include overman.

"2. In Scotland the provisions of this part of of this Act with respect to arbitration shall be read and construed as if sections twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, and thirty-four of 'The Lands Clauses Consolidation (Scotland) Act, 1845,' were substituted for the corresponding sections of 'The Lands Clauses Consolidation Act, 1845.'

"3. Nothing in this part of this Act shall be construed to prevent the Treasury from recovering from the owner of any lands and heritages in Scotland, or retaining out of the rent, in like manner as any other tenant or occupant, any share of any local rate chargeable on such owner.

*Mr. Pease*

"(Application of Act to Ireland.)"

"This part of this Act shall apply to Ireland, subject to the provisions following:—

"1. The expression 'Assessment Committee,' shall mean, in relation to each poor law union, the board of guardians of the poor of such union;

"2. The expression 'valuation list' shall in relation to each Poor Law Union mean the list or lists of the valuation of rateable hereditaments and tenements, and of any revision of the same transmitted to the clerk of the board of guardians of such union under the Acts relating to the valuation of rateable property in Ireland;

"3. The expression 'local rate' shall mean and include grand jury cess, city, town, or borough rate, and any local rate or tax leviable under any public general Act or under any local and personal Act;

"4. The costs of and incident to an arbitration and award shall, if either party so requires, be taxed and settled by the principal taxing officer in common law business in Ireland, and not in the manner prescribed by section one of 'The Lands Clauses Consolidation Act, 1860.'

"5. Nothing in this Act shall be construed to prevent the Treasury from deducting from any rent payable in respect of any hereditament in like manner as any other occupier paying rent, any share of any poor or other local rate;

"6. In any scheme or valuation list the rateable value only of Government hereditaments shall be stated."

Mr. BRUEN moved, as an Amendment to Mr. Stansfeld's proposed new Clause, "Application of Act to Ireland," line 1, before "This part of," to insert "Clause 6," and before sub-section 1, to insert—

"1. The expression Poor Rate Act shall mean and include the 'Act for the more effectual relief of the destitute Poor in Ireland, 1838,' and the Acts amending the same."

Mr. HIBBERT assured the hon. Gentleman that Government property in Ireland could not be exempted from taxation, when the present Bill abolished such exemptions in England. Separate Bills would be introduced for Scotland and Ireland, and every exertion made to pass them during the Session. He hoped, therefore, the hon. Gentleman would not press his Amendment.

Mr. VANCE wished to know whether the Bill repealing the exemptions in Ireland would be introduced and carried during the present Session?

Mr. STANSFELD said, he was afraid it would not be possible to carry a Bill through this Session; but Bills were being prepared which would give Ireland and Scotland the benefit of the same exemptions as England.

Mr. BRUEN said, that after the assurance given by the right hon. Gen-

tleman he should withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Clause added to the Bill.

MR. STANSFELD moved, before Clause 12, to insert—

**"Part III.**

"(Liability of property to local rates as well as poor rates.)

"After the commencement of this Act, the hereditaments to which the Poor Rate Acts are extended by this Act, and which are thus made rateable to the relief of the poor shall be rateable to all county rate, borough rate, highway rate, and other local rates which are leviable upon property rateable to the relief of the poor, in like manner as if the Poor Rate Acts had always extended to such hereditaments."

Clause *agreed to*, and added to the Bill.

MR. STANSFELD moved, after Clause 12, to insert the following clause:—

"(Gross and rateable value of tin and copper mines.)

"Where a tin or copper mine is occupied under a lease or leases granted without fine on a reservation wholly or partly of money dues, or rent, the gross annual value of the mine shall be taken to be the annual amount of the whole of the dues payable in respect thereof during the year ending on the sixth day of April preceding the date at which the valuation list is made, in addition to the annual amount of any fixed rent reserved for the same which may not be paid or satisfied by such dues.

"The rateable annual value of such mine shall be the same as the gross annual value thereof, except that where the dues or rent are liable for repairs, insurance, or other expenses necessary to maintain the mine in a state to command such annual amount of dues or rent, the probable average annual cost of such repairs, insurance, and other expenses shall be deducted from the gross value, for the purpose of calculating the rateable value.

"In the following cases, namely—

"1. Where any such mine is occupied under a lease granted wholly or partly on a fine; and

"2. Where any such mine is occupied by the owner;

"and in all cases to which the foregoing provisions of this section do not apply, the gross and rateable annual value of the mine shall be taken to be the annual amount of the dues or dues and rent at which the mine might be reasonably expected to let without fine on a lease of the ordinary duration, according to the usage of the country, if the tenant undertook to pay all tenant's rates and taxes, and tithe rent-charge, and also the repairs, insurance, and other expenses necessary to maintain the mine in a state to command such annual amount of dues or dues and rent.

"The purser, secretary, and chief managing agent for the time being of any tin or copper mine, or any of them, may, if the overseers or

other rating authority think fit, be rated as the occupier thereof.

"In this section—

"The term 'mine' includes the underground workings and the engines, machinery, workshops, tramways, and other plant, buildings (not being dwelling houses), and works and surface of land occupied in connection with and for the purposes of the undertaking, and comprised in the lease or leases under which the dues or dues and rent are payable or reserved;

"The term 'dues' means dues, royalty, or toll, whether in money or partly in money and partly in kind, and the amount of dues which are reserved in kind means the value of such dues;

"The term 'lease' means lease or sett, or licence to work, or agreement for a lease or sett, or licence to work;

"The term 'fine' means fine, premium, or foregift, or other payment or consideration in the nature thereof."

MR. LIDDELL moved to add the words "or lead" after the word "copper."

MR. HUSSEY VIVIAN suggested that the words "or zinc" should also be added.

MR. STANSFELD said, that he had accepted the proposal of the hon. Member for Cornwall with regard to tin and copper mines, because that hon. Member had in his opinion made out a good case for rating those mines in the manner proposed by the clause he was asking the Committee to assent to. But as to the extension of this Bill to lead mines he was satisfied there was a difference of opinion both in the House and in the country, and therefore he could not accept the Amendment of the hon. Member for Northumberland.

Amendment *negatived*.

Clause *agreed to*.

SIR RICHARD BAGGALLAY moved the insertion of the following clause after Clause 17:—

"Nothing in this Act or in the said recited Act of the forty-third year of the reign of Queen Elizabeth shall be deemed to render any person or persons or body corporate liable to be assessed or rated, either as owner or occupier, to any county, borough, parochial, or other local rates or cesses, in respect of any land, houses, or buildings, or parts of houses or buildings, in the United Kingdom, which shall be used exclusively as a hospital or infirmary for the relief of the sick poor, or for the transaction of the business relating to such hospital or infirmary, and shall yield no pecuniary profit to the governors, trustees, or other administrators of the charity aforesaid."

The hon. and learned Gentleman said, that charitable institutions had been virtually exempted from rating from the

passing of the Act of Elizabeth until a recent decision in the House of Lords. In former discussions much stress had been laid on the fact that Chief Justice Holt had in the reign of Queen Anne decided adversely to charities; but this case was of no authority. The report of it occupied four lines only of print, and from the report itself it was evident that some artifice had been resorted to to escape from rating. But however this might be, it was clear that the Legislature, by whom the Act of Elizabeth was passed, contemplated the exemption of charities, for by one of the sections of that Act, a portion of the rates raised under it, were to be appropriated towards the support of hospitals for the relief of the poor. This view was adopted by Lord Mansfield in the cases of St. Luke's and St. Bartholomew's Hospitals, in the middle of the last century, and was thenceforth continuously acted upon. The principles, however, upon which Lord Mansfield's decisions were founded were carried beyond their legitimate consequences, and, in process of time, claims for exemption were made and allowed in the cases of land devoted to public purposes generally. This view was rejected by Lord Westbury in the case of the Mersey Docks Company, on grounds which were subsequently held by the Court of Queen's Bench to be equally applicable to charities. If this modern construction of the statute of Elizabeth was to be accepted as a true exposition of the law as at present existing, it was time that some sufficient steps should be taken to secure a recognition of the older construction, which had prevailed for upwards of 200 years, for public policy, and to a great extent public opinion was in favour of the exemption. The poor were the parties chiefly concerned, it was the poor who would suffer if the claim was rejected. He might refer by way of illustration to the case of St. Thomas's Hospital. It appeared from a Petition which he had presented from that hospital, that if the clause were not adopted they would have to contribute a sum of £3,000 a-year in the shape of taxation. The practical result would be the closing of no fewer than 140 beds out of 600. Now, of the 4,000 in-patients in the year, more than one-third came from the parish of Lambeth, and so also did more than one-half

of the total number of out-patients. The parish, therefore, would have had to pay, but for the existence of the hospital, more for the relief of its sick poor than it would gain by the rating in question. If the principle of the Bill had been to impose liability to rating on property of all kinds he would have felt difficulty in pressing his Amendment; but the principle of exemption had been accepted by the Committee in the case of ragged and Sunday schools, and he hoped it would be extended to the case of hospitals and infirmaries.

New Clause (Saving in favour of hospitals for the sick poor.)—(*Sir Richard Baggallay*,)—*brought up*, and read the first time.

Question proposed, "That the Clause be read a second time."

THE SOLICITOR GENERAL opposed the clause. He regretted to hear the account his hon. and learned Friend had given of St. Thomas's Hospital, and hoped that he (*Sir Richard Baggallay*) was right in saying that the proportion of patients he had referred to belonged to the poor of Lambeth, and not to a class who could afford to pay for medical aid. He could not think the Committee would be induced to change the resolution which they had arrived at on the question as to literary and scientific institutions by now introducing a number of exemptions which had not hitherto existed. It must be remembered that in that case an exemption was expunged; whereas now the proposition was to insert an exemption which did not obtain even under the present law. The principle of the Bill was to abolish exemptions, which meant that no person had a right to compel his neighbour in a given parish to subscribe to any charity he thought fit against the will of his neighbours in such parish. If instead of a large parish like Lambeth they took the case of a small parish in which a great hospital was built, extending over one-third or one-fourth of its entire space, on which rateable property would otherwise be erected, would they allow the governors, who at their own will selected the site, to compel the remainder of the occupiers of property in the parish to pay out of their own pockets an enormous contribution towards the maintenance of the hospital?

*Sir Richard Baggallay*

That was virtually what they were asked to do. Suppose a railway came in and took possession of the site of a hospital, and the hospital was transferred to a new parish, was that parish to be taxed for its support? As regarded the exemption of the ragged schools, the Government objected to that exemption on principle, but had deferred to the majority by which the House expressed its opinion on a former occasion in favour of maintaining that particular exemption. That exemption, however, was of a totally different kind from the one before them, being entirely at the option of the parish. These hospitals for the sick were charities now maintained by voluntary contributions; but if the proposal of his hon. and learned Friend was accepted they would be maintained by involuntary contributions, and the parish of Lambeth, for example, would be taxed for St. Thomas's Hospital to the amount of £3,000 a-year. But we could not possibly tax people for the maintenance of an institution over the government and expenditure of which they had no control whatever. He hoped the Committee would not be led away by feelings of benevolence, which were so easily indulged at the expense of other people, to accept the clause.

Mr. LIDDELL said, he thought the able legal argument of the Solicitor General cut both ways, and cut very strongly against himself. The hon. and learned Gentleman had taken the case of a small parish in which a body of benevolent persons might erect a hospital, and said that if you exempted the establishment it would be at the expense of the inhabitants; but supposing those benevolent persons took off the streets of that parish a large number of sick poor who were previously chargeable upon its rates, surely in that case the existence of the hospital would relieve the ratepayers. He should certainly support the Amendment of his hon. and learned Friend the Member for Mid Surrey (Sir Richard Baggallay.)

Mr. RYLANDS asked if they were to indulge in feelings of benevolence in the case of hospitals where were they to stop? There were many of these institutions supported by a few benevolent persons while the bulk of the people rendered no assistance. But if the Committee decided that the public should

pay, they must give them control over the management.

Mr. CAWLEY contended that the argument of the Solicitor General was founded upon an entire fallacy. Hospitals were not property in the same sense as those establishments which yielded a benefit to an individual occupier. It was therefore begging the question to say that if they did not rate them they would be imposing a tax upon the rest of the community. This was not a Bill to extend the area of rating, but to alter the law in respect to it. Where an order to clear the site for the building of a hospital, property which had been contributing to the local Exchequer was removed, the hospital which took its place ought to contribute to the rates; but otherwise those institutions ought to be exempted from local taxation. For these reasons he would support the clause.

Mr. LEEMAN agreed with the Solicitor General. In York there was a large hospital which received patients from all parts of the country. It was situated in one small parish, and property having been cleared for its erection which formerly contributed to the rates he did not see on what ground of justice it could be exempted from rates. There was a second large hospital in another small parish of the same city, as to which the circumstances were precisely the same. In fairness to the ratepayers they ought both to be rated. In the case of the ragged schools there was simply power given to the parish to exempt from rating, whilst in the instance now under consideration an absolute exemption was asked for.

Mr. R. N. FOWLER said, that the cases mentioned by the hon. Member for York (Mr. Leeman) were altogether exceptional. He (Mr. R. N. Fowler) thought hospitals deserved all the support which could be given to them. They were essential to the benefit of the country, and he should vote for the clause of his hon. and learned Friend.

Mr. CANDLISH said, the question was whether hospitals were entitled to a forced support levied upon the poor by means of removing the rates of the establishment to other persons' shoulders. He did not think that an exemption coupled with such consequences should find support in the Committee; and he hoped that the Government would resist

the Amendment. The exemption in favour of Sunday and ragged schools was one for which the people and not the House were responsible.

Mr. BIRLEY said, the right hon. Gentleman opposite (Mr. Stansfeld) would rate the Pyramids of Egypt if they were in this country; or, perhaps, if it were brought under his notice, he would rate the Duke of York's column. He (Mr. Birley) saw no beneficial occupation in a hospital which could bring it within the area of taxation according to the statute of Elizabeth. If a hospital was unable to pay the rates, was a collector to distress upon the beds of the patients or the bottles of the dispensary? All the great jurists had held that hospitals were exempt, and until the decision of the House of Lords in the Mersey Docks case, hospitals had been established upon that understanding. Hospitals should not be rated until it was shown that such establishments contributed to produce burdens upon the poor rates.

Mr. GILPIN supported the clause, and said that though a hospital did not directly tend to increase the poor rate it certainly maintained within its walls many persons who would otherwise have been chargeable upon their own parishes. It was hard that the parish in which a hospital stood should be burdened for the benefit of other parishes.

Mr. SCOURFIELD observed that this was simply a proposition to continue an old exemption, not to create a new one, and he should vote for the exemption.

Mr. STANSFELD said, the argument that hospitals should be exempt because they were useful public institutions was open to considerable objection, because there was a great variety of hospitals, and some were well and some badly managed. But admitting the general proposition, if they took land for a hospital which otherwise would pay rates and exempted it, they clearly made a deduction from the rateable value of a parish and enforced a contribution to the hospital of that amount. It was also impossible to prove that a hospital for the sick poor in any degree relieved a parish from a portion of the rates or of the cost of maintaining its poor. The tendency might even be in the other direction. A hospital or other charitable institution planted in a given locality

attracted to that locality poor persons who, sooner or later, expected to benefit from it. Did anyone suppose that the establishment of St. Thomas's Hospital on the other side of the river did not attract a poor population to the neighbourhood? Permissive exemption had existed ever since the Act of 14 & 15 *Vict.* It was then enacted that—

"The guardians of any union or parish may, with the consent of the Poor Law Board, pay out of any fund of such union, or in the case of the parish out of the fund in the hands of such guardians, any sum of money as an annual subscription towards the support and maintenance of any public hospital or infirmary for the reception of sick or disabled persons or persons suffering from any permanent or natural infirmity."

Mr. MUNTZ said, the speech of the right hon. Gentleman must have very much amused the Committee, because he gravely stated that wherever hospitals were built paupers would come to live near them. The right hon. Gentleman might as well have argued that wherever you constructed a cemetery people would come to live near it for the purpose of dying. The right hon. Gentleman had referred to the existence of a permissive provision enabling the local authorities to contribute towards the exemption of hospitals from rating; but it was a matter entirely at the discretion of the Poor Law Board, which always refused its assent when applications of that kind came before it. [Mr. STANSFELD said, the hon. Member was mistaken.] He (Mr. Muntz) contended that it was absurd to exempt places of religious worship from the rate, and fix it on hospitals. What was religious worship to one was gross idolatry or heresy to another, and the most pestilential doctrines of Mormonism or any other "ism" might be preached, and the preachers charged what they liked at the doors, and yet they were to be exempted; while the hospitals, which were founded entirely on Christian principles, were to be taxed. He maintained that the popular feeling was decidedly in favour of the exemption of hospitals from rating, and would on that assertion challenge any Member in public meeting in any town in England. The Act of Elizabeth never intended to charge poor rates upon charitable institutions; and feeling, as he did, very strongly upon it, he should support the exemption clause.

Mr. MACFIE supported the Amendment, believing that the rating of hos-

*Mr. Candlish*

pitals would have the effect of restraining the contributions of the rich towards their support.

MR. CAWLEY asked in whom the beneficial occupation of a hospital rested?

MR. GLADSTONE said, he would put the case of the Chester County Hospital. There were 64 parishes in the Union. Why should that hospital in Chester be supported at the expense of those 64 parishes? Upon what principle of justice were all the parishes within that union to be made to contribute compulsorily for the relief and support of that institution which was for the benefit of the whole county of Chester, and not only so, but likewise for the county of Flint? There were many other arguments against the Motion of the hon. and learned Gentleman to prevent the Committee from adopting it. In the first place, he contended that the present state of the law was satisfactory and sound, and the hon. Member for Birmingham (Mr. Muntz) completely broke down when he came to this vital point. The president of the Local Government Board showed that the existing law empowered the representatives of the local committees, who were able to judge of all the circumstances of the case, to subscribe at the public expense to the local hospitals. But then it was subject to the consent of the Local Government Board, and the hon. Member for Birmingham said that the Poor Law Board refused its consent. The President of the Local Government Board, who was at the head of that Department, denied this, and said that applications made to the Poor Law Board of the present Government had been acceded to. [Mr. MUNTZ said he had referred to a previous time.] It was in that state of the case that the hon. and learned Gentleman (Sir Richard Baggallay) proposed a clause insisting that by this enactment they should make every local community subject to a compulsory tax for the maintenance of these hospitals. Was that desirable, or was it not? The hon. and learned Gentleman moved mainly in the interest of the rich and endowed hospitals which possessed £20,000, £30,000, £40,000, and in at least one instance he believed more than £50,000 a-year. Not content with such incomes, he contended that they should by Parliament be allowed to tax the community.

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He did not think those hospitals were managed with the economy they ought to be. He would not name the hospitals, but he would give the hon. and learned Gentleman the names if he wished. A short time ago there were two hospitals in London which relieved with equal efficiency as nearly as possible the same number of cases annually; but with this difference, the one relieved them out of an income of £15,000, and the other out of an income of £30,000 a-year. That was the income of the endowed hospital, and it was to that income the hon. and learned Gentleman proposed to add £3,000 a-year by compulsory taxation on the community. Was that rational? When they had a law by which the local authority could tax the community for these purposes, with the sanction of the Local Government Board, was Parliament to interfere and over-ride that authority and tax local communities for the support of those great wealthy endowed bodies, which undoubtedly did a great deal of good, but he would say fearlessly at a much greater cost than need be. He did not even admit that voluntary hospitals stood on different grounds, or that they should be supported by taxation imposed by the will of Parliament. Taxation by exemption was essentially vicious. When people were taxed it was desirable they should know it, but exemptions hid from the people the fact that they were taxed. Where there was public taxation there ought to be public control. He was the oldest Governor of Guy's Hospital, and he wanted to know why the community in the neighbourhood should be taxed for its support, having nothing to say in its management, and no control over it? But that was the proposal of the hon. and learned Gentleman. If an amendment of the law were required, should it not be in the direction of striking out the veto of the Poor Law Commissioners? His hon. Friend (Mr. Muntz) desired no doubt to be consistent with the principles he had laid down; but, if so, that was an Amendment to which he would not object. With respect to the main question, he hoped the Committee, considering the power contained in the existing Act, would not accept a measure so retrogressive as that now proposed by the hon. and learned Gentleman. His hon. Friend said he was ready to

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meet his opponents at the hustings. If he were, let him vote in favour of the voluntary principle to this extent—namely, to place in the hands of the Guardians the power to decide whether the different localities should be taxed in the manner now proposed.

SIR RICHARD BAGGALLAY said, he was prepared at any convenient time and place to accept the challenge of the right hon. Gentleman and discuss the circumstances of the two hospitals which he had referred to; and in reference to the one which expended £30,000 a-year, the Committee must bear in mind that the large endowed hospitals not merely received the sick poor, but were also engaged in preparing, by their medical schools, a large number of well educated professional men to go forth into the world. With regard to Chester Hospital, and other hospitals in large towns, the parishes which were taxed would derive a larger amount of benefit by the relief of their sick poor than they would by the taxation. The clause which he proposed did not provide for absolute exemption; it only provided that nothing in this Act, or in the Act of Elizabeth, should make hospitals and infirmaries liable to rating, the Act of Elizabeth being included in order to remove the doubts raised as to the extent of that Act by the judgments of the House of Lords in the cases of the Mersey Dock Company, and *Gray v. the University of Edinburgh*. The only part of these institutions which his clause would relieve from liability to rating under these Acts was that which was entirely devoted to the purposes of the sick poor. The principle of exemption had been recognized in the case of ragged and Sunday schools; he asked the Committee to extend that principle to the charitable and deserving institutions the subject of the clause.

MR. MUNTZ said, the right hon. Gentleman at the head of the Government had asked him to be consistent. He was consistent, and hoped the right hon. Gentleman would be the same. The right hon. Gentleman said, in effect, that he was prepared to leave the question of rating hospitals in the hands of the Guardians and other local authorities. So also was he, and he believed the hon. and learned Gentleman who proposed the clause (Sir Richard Baggallay) would be so too.

*Mr. Gladstone*

If an undertaking were given that on the Report the powers conferred on the Poor Law Board would be struck out of the Bill, he was sure the clause would be withdrawn.

MR. GLADSTONE observed that the control of the Poor Law Commissioners was salutary as a check, and would not be exercised to nullify the operation of the law. If the hon. Gentleman could show that the board had exercised the veto improperly he should be inclined to agree with him.

MR. SCOURFIELD said, that these institutions were of infinitely more benefit to the localities in which they were immediately situated than they were to the outlying districts. In addition to this, the immediate locality had the advantage of supplying all the stores wanted by the hospital.

MR. GLADSTONE said, he lived close to Chester Hospital, but in a parish which was not in Cheshire. His district derived the greatest benefit from the county hospital, but would not have to pay one farthing towards its maintenance in return for the advantage it received.

Question put.

The Committee divided:—Ayes 50; Noes 70: Majority 20.

On Question, "That the Preamble be agreed to,"

MR. SOLATER-BOOTH said, that as the right hon. Gentleman on the second reading of the Bill had stated there were certain Government properties which he did not propose to make subject to rates, and especially alluded to the Royal Parks, he wished to point out that those Parks would distinctly come within the purview of the Bill if it remained in its present shape. He therefore desired to ask whether before the right hon. Gentleman took any further steps, he proposed to bring in a scheme for the exemption from rating of any portions of Government property. He was also anxious to draw attention to the statement of the right hon. Gentleman that he did not propose to interfere in any way with the statutory bargains made with respect to property taken over for Government purposes in regard to rates. With respect to the land purchased for the New Courts of Justice, if it were to continue to be rated as heretofore the amount would be

about £4,000 a-year. They all knew that a large sum was about to be expended upon building a Palace of Justice on that site—probably £1,000,000—but according to the right hon. Gentleman's plan, the parish in which the land was located would only receive the commuted sum of £4,000 a-year. That he thought was quite right; but take the case of the Houses of Parliament. These buildings cost £3,000,000, and the parish in which they stood would be entitled to require that an assessment should be placed upon them somewhat in accordance with their value and cost. The same remark would apply to Chelsea Hospital, the Horse Guards, the Treasury, and other buildings of the kind. The right hon. Gentleman had by this Bill opened the door to attacks upon the public purse which might well be avoided, and he wished to know what he intended to do in this matter.

MR. STANSFELD said, he thought they would be in a better position to discuss the questions raised by the hon. Gentleman when the Bill, as amended in Committee, was reprinted for the purposes of Report. He, however, did not intend to touch any of the statutable bargains which had been made in reference to particular properties, for if he had done so he could hardly have hoped to pass the Bill this Session.

MR. LIDDELL protested against the assumption that this House should be assessed upon the cost of its construction. If a man spent £500,000 in building a mansion and impoverished his descendants to future generations, the mansion ought not to be assessed on that account on the cost of construction.

Preamble *agreed to*.

Bill *reported*; as amended, to be considered upon *Thursday* next, and to be *printed*. [Bill 205.]

POST OFFICE—MAIL CONTRACTS—  
CAPE OF GOOD HOPE AND ZANZIBAR.

NOMINATION OF COMMITTEE.

ADJOURNED DEBATE RESUMED.

Order read, for resuming Adjourned Debate on Nomination of the Committee [23rd June],

"That Mr. Dodson be one of the Members of the Select Committee on the Cape of Good Hope and Zanzibar Mail Contract."—(Mr. Bouverie.)

Question again proposed.

Debate *resumed*.

MR. HUNT moved, as an Amendment—

"That the Committee do consist of Seven Members, Five to be nominated by the Committee of Selection and Two to be added by the House."

He wished it to be clearly understood that in making this proposal he was actuated, not by any invidious feeling towards those hon. Members whose names had been proposed by the right hon. Member for Kilmarnock (Mr. Bouverie), but by a desire to act strictly in conformity with precedent. In his opinion, the Committee ought to be chosen by the especial machinery provided for this purpose in the form of the Committee of Selection. In former times, Committees of this nature were chosen by the Committee of Elections; but since the House had surrendered its jurisdiction over Election Petitions, the Committee of Selection had generally nominated five, and the House itself two of the Members of the Select Committees. In the case of the Select Committee appointed to inquire into the circumstances relating to the Inman and Cunard contracts which he, when Chancellor of the Exchequer, had entered into in 1868, on the Motion of the hon. Member for Lincoln (Mr. Seely), it was ordered that five Members of the Committee should be nominated by the Committee of Selection and two by the House. That Committee was so nominated with the consent of the present Government, and he submitted that the present was on all fours with that case, and that, therefore, the precedent then set should be now followed.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Committee do consist of Seven Members, Five to be nominated by the Committee of Selection and Two to be added by the House,"—(Mr. Hunt.)

—instead thereof.

Question proposed, "That the words proposed be left out stand part of the Question."

MR. BOUVERIE said, that this was a matter which, except as a question of precedent as to the mode of appointing Select Committees, was really not of much importance. The proposal of the right hon. Gentleman opposite (Mr. Hunt) had suggested itself to him before he had brought forward his Motion for

the appointment of the Committee, and he should have been glad had it recommended itself to his judgment, because had it been adopted he should have been relieved from the very invidious and ungrateful task of himself selecting the names of those who should serve on the Committee. He had, however, discovered that there were great objections to its adoption. In the first place, the Committee of Selection strongly objected to having this duty cast upon them. The right hon. Gentleman was accurate in his statement of facts connected with the precedent that he had referred to; but the decision of the House in that case had not been arrived at deliberately, after mature consideration by the House, but hastily, on the spur of the moment, in consequence of hon. Members opposite having declined to serve on the Committee. Moreover, on one or two previous occasions a similar proposal had been rejected by the House on the ground that the Committee of Selection had been appointed for a totally different purpose—that of nominating Members of Select Committees on Private Bills. In this instance the right hon. Gentleman said that he had no objection whatever to the hon. Members whose names he had submitted to the House, and who were gentlemen of unexceptionable character, bearing considerable weight in that House. The first name on the list, that of Mr. Dodson, was one universally respected in that House; and that Gentleman happened to be a Member of the Committee of Selection, who could not, therefore, have selected him to perform the duty he was so well calculated to discharge—that of Chairman of this Select Committee. He was aware that objections had been taken to the proposed constitution of the Committee on the ground that it was highly desirable that members of the legal profession should have been appointed; but he did not consider it a question for lawyers at all, and he deprecated the principle of referring subjects even of a simple character on all occasions to lawyers. As the poet Gay had said—

“We know that lawyers can with ease  
Twist words and meanings as they please,”

All they wanted in the Committee was good sound sense, honesty, and independence. He was sure that those qualities would be found in the names already placed upon the list. He had

*Mr. Bouvier*

originally contemplated proposing a Committee of five Members; but, in consequence of what had occurred with reference to the Committee appointed to inquire into the case of Mr. O’Keeffe, when the House appointed seven in order that the Chairman should not have too great a preponderance, it had occurred to him that seven would be a better number than five. He had originally contemplated appointing two more members to represent the opposing views of this subject, and without votes; but then it was suggested that they might as well vote, as they would always vote contrary ways and thus neutralize each other. He had accepted this suggestion, and as both these Members sat on the same side of the House, he had thus destroyed the original balance of the Committee between the two sides of the House. But he did not think this was a question between one side and the other. It was a question as to what were the facts, and they would be easily ascertained by seven or eight Gentlemen of honourable and independent minds. He did not think it mattered whether the Committee was nominated by the Committee of Selection or by the House; but if the names he submitted met with acceptance it would be best to adhere to the usual practice, and to allow the Mover for the Committee in this case himself to nominate it, rather than to follow a precedent adopted in a hurry, and which was protested against by the Committee of Selection.

Mr. GLADSTONE said, he had very little to say on the subject. The Government should be very happy with either of the two alternatives proposed. He knew of no substantial objection to be taken to the one or the other. The precedent quoted by the right hon. Gentleman opposite (Mr. Hunt) was perfectly fair and unexceptionable; but the Resolution was adopted at a moment’s notice, and that diminished its weight as a precedent. He should have been glad if there had been such an indication of opinion on the part of the House as would have enabled the Government to judge what was the prevailing sense of the House upon the subject, for by such indication they would have been guided. But if the House should remain mute, and give no utterance of their opinion before they went to a division, he thought, considering that the right hon. Member (Mr.

Bouverie) had been at the pains to make a selection, which on all hands was admitted to be unexceptionable, and the Gentlemen had been requested to serve, he should be inclined to vote with his right hon. Friend, at the same time declaring that they did not object to the proposal of the right hon. Gentleman opposite if the House thought fit to adopt it.

SIR STAFFORD NORTHCOTE said, the House in considering this question should have regard to possible future proceedings. There could be no doubt that the names proposed were those of Gentlemen of character and position who would deal with the subject with ability and justice. If this Committee was appointed the House would feel sure that the inquiry would be conducted in a manner which was satisfactory and creditable. But the important consideration was whether it was a tribunal which would command public confidence. There had been many occasions on which the House had proceeded, not on the principle of allowing a Member of the House to submit a number of names to be voted upon—and with respect to whom it was always rather delicate and invidious to vote—but of arranging these matters by the intervention of an intermediate body. It was stated in Sir Erskine May's book on the *Law and Practice of Parliament*, to which they had been accustomed to look as authority of late years—

"Where the inquiry has been of a judicial character it has been usual to delegate the nomination of a Committee to the General Committee of Elections."

A good number of cases occurring between 1848 and 1864-5 were mentioned. No doubt an impression prevailed that Committees named by the House were constituted by private arrangement, and when a list was presented it was difficult to vote upon it without appearing to reflect on the names it embraced. The proposal to refer the choice of names to the Committee of Selection was met by the reply that they existed for a wholly different purpose, and that they were not particularly well fitted for the duties of the former General Committee of Elections, which, indeed, might be disagreeable to them. As the Committee was not likely to be renewed, was the House to abandon nomination through an intermediate body? That was the question rather

than the eligibility of the names submitted. It seemed to him more desirable to conform to the old practice than to set it aside by making a precedent which might be found inconvenient in the future.

MR. MASSEY remarked that the practice of referring to a Committee upstairs the appointment of a Select Committee was comparatively modern, and ought to be restrained within precise limits. It had been adopted when the characters of Members of the House were involved, or when the questions at issue were of a similarly delicate nature, which it was thought desirable should be investigated by a body appointed in a judicial manner. The present inquiry related to a matter of primary interest to the House—namely, the proper expenditure of public money; there was nothing in it of a delicate nature, and he did not think it was necessary to delegate the appointment of the Committee. On the contrary, it was the duty of the House to take upon itself the responsibility of appointing this Committee. Here, there was no question involving the character of any of the Gentlemen concerned in the transaction, for during the discussions he had heard on the subject not a shadow of an imputation had been cast on the motives of any of the parties concerned in making what, according to the present impression in the House, was an improvident contract. He saw nothing which ought to induce the House to depart from the practice of appointing a Committee in the ordinary way. The General Committee of Elections that formerly existed was certainly a very convenient tribunal, it being constituted for the express purpose of nominating gentlemen to try judicial questions. He would suggest that in a future Session the Committee of Selection might be advantageously reconstituted with a view to particular exigences.

MR. SCOURFIELD, as a Member of the Committee of Selection, thought that tribunal ought not to be charged with the duty of nominating a Committee on this subject. The business of the Committee of Selection was to choose gentlemen to consider Canal, Railway, Gas, and other Private Bills, and there was, in fact, no reason why all its Members should not be taken from either side of the House exclusively.

Question put.

The House divided:—Ayes 124; Noes 85: Majority 39.

Main Question put, and agreed to.

Select Committee nominated:—Mr. DODSON, Mr. BENYON, Mr. LEATHAM, Sir ROWLAND BLENNERHASSETT, Mr. WATERHOUSE, Sir EDWARD COLEBROOKE, Viscount SANDON, Mr. HOLMS, and Mr. GOSCHEN:—Power to send for persons, papers, and records; Five to be the quorum.

#### SUPPLY.—CIVIL SERVICE ESTIMATES.

##### CLASS IV.—EDUCATION, SCIENCE, AND ART.

##### VOTE 1.—PUBLIC EDUCATION.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £1,083,603, to complete the sum for Education, England and Wales.

MR. W. E. FORSTER, in rising to move the Vote for Public Education, said, the Vote showed a considerable decrease on that of last year. The sum which he was about to ask for was £1,299,603, or in round numbers £1,300,000. That showed a decrease on the Vote of last year of £101,952. There was an increase in three items of £11,000—£4,500 for Inspectors, it having been found necessary to appoint four additional Inspectors; £1,000 on new extra grants, under Section 97 of the Act of 1870; and £5,390 for training colleges, in consequence of the large increase in the number of students, which he felt sure the Committee would not be disposed to regard with regret. There was a decrease of £509 for the Central Office, of £13,000 in the sum allowed for the working of the Act, and of £52,900 for building grants, in consequence of the buildings not having been erected as quickly as might have been possible, though, perhaps, as quickly as could reasonably have been expected. In making the Estimate last year, however, it was deemed desirable to take every contingency into account, and to err, if at all, on the safe side. There was a decrease of £12,500 in the sum for night schools, which was chiefly owing to the new regulations adopted with regard to these schools. He regretted on account of their good social effect that night schools should have been diminished; but they were social rather than educational institutions, and he was still of opinion that the House had done right in stipulating by the new regulations that the money expended on edu-

cation should be really given for educational results. He came, in the next place, to a considerable decrease of £34,000, which was due to the day schools. The reason of the decrease was that matters did not get on quite so quickly as had been thought possible, and that it had, as he had before stated, been deemed wise to err on the safe side. Taking that view, there had been an over-estimate last year; but, notwithstanding, nearly the same amount was asked for in the present. That was done because there were good grounds now for being confident that the Act was getting into work; that the number of schools was increasing, and the number of scholars, and, as a consequence, the number who had to be paid. He found that the increase since August was very considerably greater than for the corresponding period last year, and that new schools were coming in very quickly. From 1862 to 1869, the average number of new schools brought under Government inspection and receiving Government grants in England and Wales was 492 each year. In 1870, the number was 1,114; in 1871, 1,353; and in 1872, 1,530. It was found in addition that the attendance was greatly on the increase, and it was only due to those gentlemen throughout the country who were engaged in the working of the school boards with such devoted energy that he should give two or three facts to show the results of their labours. He found that in Stockport the average attendance had increased 15 per cent since compulsion was introduced, and in Bath 17 per cent. In Manchester the weekly average attendance had increased 36 per cent in 15 months; while in London the average increase had been in the two years ending last December 36,041, and in Hull 3,580 since February, 1872; while in Leeds the average attendance had increased since 1869 to 8,475, or 63 per cent. As yet the increase had not told in the Returns published in the yearly Estimates; but it was an increase which was telling in the inspection which was now going on from month to month. The monthly increase in the actual payments as compared with last year furnished very striking facts as regarded the larger number of schools and the larger average attendance, and he believed he might safely put the average number of attendances this year at

1,557,910. In 1869—the last year previous to the passing of the Act—the number of average attendances was 1,062,999, so that there had since been an increase of 500,000, or 50 per cent. The actual results, he might add, of inspection in England and Wales were as follow:—The number of departments of day schools inspected in 1872 was 14,101; the day scholars present at examination, 1,607,511; the average attendance at the day schools, 1,336,158. Those scholars were taught by 14,771 certificated teachers, 1,646 assistant teachers, and 21,297 pupil teachers. The population of England and Wales had increased from 1869 to 1872  $5\frac{1}{2}$  per cent, and during the same time the number of day scholars instructed  $24\frac{1}{2}$  per cent; the scholars present at examination rather less than 21 per cent; the average attendance rather more than 25 per cent; the certificated teachers also rather more than 25 per cent; and the pupil teachers more than 70 per cent. That was the increase up to last year; but the present would show a much larger proportionate increase—a very pleasing fact so far as the progress of education was concerned, but one which would necessitate next year probably a much larger Bill. He did not wish the Committee to suppose that the increase which he had just mentioned did not still leave much to be done. In 1872, the population of England and Wales might be put at about 23,000,000, and, as far as he could estimate, we should aim at an average attendance at elementary schools of about 3,000,000. Our schools would now hold 2,300,000, which, as the Committee would see, would leave a large deficiency in the accommodation, which ought to be considerably in advance of the average attendance. Some of the deficiency with regard to school accommodation was no doubt already supplied; and one of the good results which had followed the inquiries instituted under the Act was that, even in cases where the managers had not thought fit to come under Government conditions, they had in several respects improved their schools, and were improving them, so as really to supply education; while also a larger number of those schools were every day coming under the conditions of Government aid. The building grants, when completed,

he estimated would give room for 300,000 more children than they had before. That was without touching the large sums being expended by the different school boards in building schools, taking advantage of the means of obtaining money through the Public Works Loan Commissioners. The London School Board was at work now for 100,000 children, a number which that Board itself, and the Education Department also, believed was the least they could start for, being considerably under the deficiency given by the actual Returns. Besides the case of London, the Department had already recommended loans from the Public Works Loan Commissioners that would afford accommodation for at least 115,000 more children. The Committee would, perhaps, expect a few words as to the progress made in getting the Act into operation. Taking the Census of 1871 as his basis, the population of England and Wales might, in round numbers, be divided somewhere in this fashion:—In the metropolis and in boroughs, 9,800,000; and in 14,082 civil parishes not in the metropolis and boroughs, 12,900,000. For this population of 22,700,000 there were school boards in London and in all the larger boroughs—103 in number—for 8,500,000 of the population; and also school boards in 445 civil parishes, which, although a small proportion in number of the 14,082 he had mentioned, yet comprised a very considerable number of the larger of those parishes. There were school boards in these parishes for 1,500,000 of the population, so that altogether there were school boards for 10,000,000 of the population, leaving 12,700,000 without school boards. The Committee must not suppose that those places were now either without education or without great efforts being made to give it; but, undoubtedly, it was the business of the Department and the object of the Act that in all those parishes there should be strict inquiry as to whether there was sufficient education or not. The only part of the country where it was not necessary to make an inquiry before ordering the adoption of a school board was in the metropolis, in which it was decided to have such a board at once. In the rest of the country school boards were to become necessary if there were no other means of supplying the deficiency. The large towns and several of

the large parishes had of their own accord declared that they would rather meet the requirements of their position by voluntarily forming a school board. With regard to the other parishes, it had been the duty of the Department to make inquiry and to act according to the results of that inquiry. Some hon. Members might think that process took rather longer time than it need do; but those who had practically to conduct it found that it proceeded as quickly as could reasonably be expected. It might have been possible to have put on more Inspectors, and covered the country at once with a larger staff; but there was a limit to the extent to which any Department could carry on work of that kind, because difficult points were constantly arising which had to be decided by two or three persons at its head. The permanent heads of his Department had done as much work as it was possible for any human being to do in the time, and he did not believe it could be done much, if at all, quicker with a due regard to doing it well. It was no slight task to institute a searching inquiry throughout the kingdom. That inquiry came to an end in the Spring of last year. The first notices were issued on the 16th of May, 1872. By the 31st of May, 1873, they had published the notices for 8,551 districts, and they hoped to complete those notices in August, or within 16 months of their commencement. The Committee might be interested to hear that of those 8,551 notices, as regarded 3,465, or about 40 per cent, the amount of accommodation was sufficient; and in regard to 5,086, or about 60 per cent, it was more or less deficient. Of those last, in respect to 2,817 they found strong reasons to order a union of parishes, and they had sent out notices that they should be formed into 989 united districts. Out of the 8,500 and odd parishes they had dealt with up to the 31st of May last, although they found 5,000 deficient, he should mislead the Committee if he did not state that in many cases the deficiency was very slight and would be easily filled up, while it was impossible to say to what extent it might be filled up even where it was rather large. So much for the working of the Act. With reference to the report of the examination, it was impossible this year to compare the results of the examination with those

of the previous year, because they had not got a year of the New Code with which to compare this year. The New Code introduced a considerable change in the mode of examination one most important alteration being that the age for infants was raised from six to seven. The consequence was an apparent diminution in the number presented for examination. Then the standards of examination were a step higher than last year, and the number of attendances demanded was also larger. Therefore, they were not in a position to compare the results with any previous year. He should be interested, however, in comparing next year with this. In one respect such a comparison might be expected to be rather discouraging. As the school boards and the voluntary managers succeeded in sweeping up the neglected children of the country, they must necessarily bring down the average results of the examination; and they must bear that in mind in justice to the teachers; for nothing was more arduous than to deal with a big boy or girl who was brought into the school utterly untaught; and in some cases the number of such children would lower the general result; but it must not, therefore, be imagined that good work was not being done. As to special subjects, they were making to some extent satisfactory progress. Of 118,799 children presented in standards 4 to 6, the three higher standards, 71,507 were examined in one or more special subjects, and of those 18,958 passed in two subjects, and 30,515 in one subject. Thus about 50,000 out of 71,000 passed their examination in special subjects. This educational business was and must be hard work. Sometimes they seemed to be making very little progress; but, on the whole, he believed their progress was considerable, and also sound and sure as far as it went. They had three great problems to solve?—First, to get the schools; second, to get the children into the schools; and third, to get as much teaching as possible for them during the time they were at school. Their first problem they were very quickly solving. They would speedily have schools throughout the kingdom. The attendance also was increasing, though it was still deficient. They had in that respect to contend with the very prosperity of the country, because work competed with education. Yet they

*Mr. W. E. Forster*

were making progress, and he trusted the House would take measures to insure its being still more rapid. Then he came to what was to be taught to the children. The hon. Member for Maidstone (Sir John Lubbock) took great interest in that. He entirely agreed in principle with the hon. Baronet. The principle he would lay down was that they should aim not merely at giving the children elementary instruction in reading, writing, and ciphering, but strive to teach them everything useful which they could learn during the time they could keep them at school. He believed that under the present Code the children of the poorer classes would receive education from which they had before it existed been practically excluded. They should not, however, go too fast. The foundation should first be laid—the elements of education be imparted before they could hope to go further. They had the encouraging example of Scotland before them, and it was one which he trusted they would follow. With respect to the sum asked for Scotland, he had only to say that, the Scotch Act having only been passed last Session and the New Code only now coming into operation, it was not probable that a larger grant would in consequence be required for Scotland during the current year. He expected this to be the case, judging by the English precedent; but should this turn out to be a mistake, a supplementary vote would be asked for next Session. He hoped the Committee would vote the sum for which the Government asked.

MR. NEWDEGATE wished to put a question to the right hon. Gentleman who had last spoken—whether there was, under the present regulations, any provision made for the examination of masters for certificates in schools which had not hitherto received a grant from the Government? He believed that in the last Code proficiency in teaching music had been rendered an essential qualification in the examination of masters of elementary schools. Admiring, as he did, music as much as any man, he did not think that music formed such an element of education as should render the capacity to teach it an essential qualification for a certificate to the master, or for a grant to the school. He wished to know what the right hon. Gentleman thought on the subject?

MR. RATHBONE complained of the inadequacy of inspecting power in the town of Liverpool, and of the disadvantages in an educational point of view resulting therefrom. There were 157 schools to be inspected, and there was but one Inspector, who had one assistant. He would suggest the appointment of supernumerary Inspectors, who would by their training become fitted for the higher office.

COLONEL BARTELOT said, he was of opinion that everybody must have been satisfied with the statement of the right hon. Gentleman the Vice President of the Council, and he believed the hon. Member for Birmingham (Mr. Dixon) must now see that education was progressing favourably, notwithstanding the fact that school boards were not general throughout the country. He thought that much more would be done by encouraging voluntary effort than by compulsory education. He disapproved, however, of taking away anything because children could not sing, though he would encourage singing as much as possible, and believed that "God save the Queen" would be the most popular song among them. The right hon. Gentleman (Mr. Forster) stated that a great want of school accommodation existed; but some of the Inspectors demanded a great deal more than the necessity of the case required. Some allowance should be made, and the Inspectors should not ride roughshod over those who were trying to do their duty.

SIR JOHN LUBBOCK said, he had listened with great interest to the lucid statement which had been made by the right hon. Gentleman at the head of the Education Department. It was, no doubt, a matter of congratulation that the number of children sent in for examination in the extra subjects was increasing; but it appeared that even now, out of 1,500,000 of children in our schools, only 70,000 were examined in anything more than the mere rudiments of reading, writing, and arithmetic, nor did he think we could expect that under the present provisions of the Code there would be any great improvement in this respect. He therefore congratulated the right hon. Gentleman on the improvements he had introduced in the Scotch Code, and hoped that similar modifications would be introduced into that for England. As regarded those



who passed in the fourth and higher standards, 3s. per scholar was allotted by the New Scotch Code to history and geography. Again, the grants for extra subjects were no longer to be reducible by the excess over 15s. a-head. He had always argued that this limitation rendered the grants offered for extra subjects practically delusive, in confirmation of which he observed that the Education Department estimated the amount which would be earned this year at 12s. a-head on the average. It was obvious, therefore, that if the schools averaged 12s. by reading, writing, and arithmetic alone, the best ones would earn the full 15s., and there would be no inducement to take up any of the so-called extra subjects, under which term it must be remembered, was included everything except mere reading, writing and arithmetic. He regarded the alterations in the Scotch Code, therefore, as great improvements. When on former occasions he pressed the question on the right hon. Gentleman he was supported by the Chairmen, both of the Education League and of the Union, by every Member of the London School Board who had a seat in the House, and indeed, by almost everyone in the House who took an interest in education. He hoped, therefore, that the boon now granted to Scotland would next year be extended to England.

MR. F. S. POWELL said, he hoped that this Vote would never again be proposed until the Report of the Committee of Privy Council had first been laid on the Table. He regretted that the extravagance of some school boards was inflicting unnecessary burdens upon the ratepayers; but he congratulated the Committee on the great progress which education was making throughout the country. He hoped the Government would take care that there was an uniformity of action among the Inspectors, some of whom, he understood, had a much higher standard than others. It was also to be desired that Inspectors should be more accessible to the teachers.

MR. A. JOHNSTON asked whether the Government would take some security that schools should not be closed in districts in which children did not attend by reason of attending Sunday schools?

MR. CLARE READ said, he hoped that a better supply of certificated

teachers would be found for rural districts. In his parish, a school which had been kept open every day except during holidays for 35 years since its establishment, had been closed during the last nine months, because a certificated teacher, as ordered by the Privy Council, could not be obtained, although a most ample salary had been offered.

MR. WHITWELL also complained that the supply of certificated teachers was not sufficient, and expressed a hope that the item for normal schools would be increased next year. He, however, could not but congratulate the right hon. Gentleman (Mr. Forster) on the increase of education throughout the country.

MR. C. DALRYMPLE bore testimony to the great value and importance of night schools. It was a most interesting sight to see such numbers of young men, women, and grown-up people sitting side by side of an evening after their day's work, endeavouring to make up for their deficiencies in education. These were schools which were particularly susceptible of discouragement, and he regretted to think that the action of the right hon. Gentleman might tend in that direction.

MR. DIXON complained that the usual Report had not been placed before the House prior to the discussion on this Vote. It was delayed last year, and was still further delayed this year. This placed hon. Members at a disadvantage in the present discussion. In country districts the people seemed to be afraid of school boards; but facts proved their great practical value. The increased attendance at schools in Birmingham during the last 12 months under the school board system was 50 per cent, as against 50 per cent increased attendance at school throughout the whole country during the last four years. The Vice President of the Council had said that there were 5,000 districts where a deficiency of school accommodation existed, and he should like to know in how many of these districts school boards had been formed? He should like also to know what had been done with reference to normal schools?

MR. W. H. SMITH trusted that, however valuable the work done by school boards might be, there was no disposition on the part of those who were interested in education to endeavour to thrust school boards on districts where

*Sir John Lubbock*

they were not really required by proved deficiency of the means of education. School boards were, at the best, an expensive mode of proceeding—which would tell largely on the people's minds when they came to reckon the costs, and which would tend to discourage education if they were forced upon districts where it was not shown that they were necessary. With respect to the right hon. Gentleman's (Mr. Forster's) statement, it did not appear to be so sanguine as the one he made last year; but it was one on which the House and the country might be congratulated. For his own part, he was not so sanguine as to the effects of direct compulsion as he was last year and the year before. Considerable results had been obtained, no doubt, by the application of direct compulsion; all the children most readily got at had been swept into schools, but the difficult work remained behind. Those parents who were indifferent to the value of education were beginning to find out how they might evade the regulations that were laid down, and by some means or other managed to keep their children at home, or to continue that irregularity which had been the bane of the schools in this country. He looked with longing eyes in the direction of indirect rather than direct compulsion. He believed that better results would be obtained if some system could be established under which a certificate of attendance at school should be made a condition of employment in ordinary pursuits as well as in manufacturing districts. There were many difficulties which had to be met, and he would earnestly entreat hon. Gentlemen who took an interest in education not to be too sanguine, but to wait patiently, expecting smaller results than were calculated upon last year, but not to be discouraged, and to look right and left for means of inducing rather than of compelling parents to send their children to school.

MR. W. E. FORSTER said, that the discussion had been full of useful hints, and afforded a hopeful sign of that interest in the subject throughout the kingdom, without which the Department would be altogether helpless. With regard to the question of the hon. Member for South Essex (Mr. A. Johnston), as to whether the Education Department would take steps to ensure that the schools now considered efficient should

continue to be efficient, it was impossible to say when the Department might think it necessary to institute fresh inquiry; but of course it would be the duty of the Government to find out, from time to time, if districts were supplied in the sense of the Act. The hon. Member for Birmingham (Mr. Dixon) had asked in how many of the 5,000 odd districts in which a deficiency existed school boards had been formed? The Act did not give the Department power immediately to issue an order for a school board. They had first to give notice of the deficiency, and that might be disputed. If it was not, there was still a final notice to be issued intimating the ascertained deficiency, and notifying that unless it was supplied within some period not exceeding six months a school board would have to be established. These final notices had not yet been issued to any great extent, because it was thought better first to finish issuing the first notices throughout the country, and that would be done by August this year. The hon. Member for West Sussex (Colonel Barttelot) said that the Inspectors of the Department ought not to proceed by hard-and-fast-lines in ascertaining deficiencies. It had been their object not to do so; and although they had not given universal satisfaction, they had not had any overpowering evidence of dissatisfaction. The hon. Member for North Warwickshire (Mr. Newdegate) had asked two questions. With regard to the examination of masters, there was in the Code a means by which the master of a school which was not in receipt of a Government grant could obtain a certificate without going up for examination, under certain conditions. With regard to such cases as that which the hon. Member had stated, he (Mr. Forster) would undertake to consider the matter fully before the next Code was settled. With regard to the Musical Fine, the rule had not been unsuccessful. The Code required that singing should be part of the teaching of the Elementary Schools, and that a shilling should be deducted from the grant for average attendance where singing was not taught. The final result had been that for all the schools which had been inspected last year the deductions under the Musical Fine had been only £262 10s. out of the total grant of £848,319. Music and singing were generally taught in the

schools with very successful results. The hon. Member for the West Riding (Mr. F. S. Powell) seemed to think that school boards might be extravagant in consequence of the grants made to them; but he (Mr. Forster) would rather have thought that complaints, if any were made at all, would have been that the grants were rather too much than too little fenced round. As to the staff of Inspectors, he could not honestly say that it was at present too small; but there were circumstances connected with last year which were exceptional, and in some cases untried men had to do the work. The mode of conducting examinations was becoming more uniform, and the President of the Council and himself had revived the custom of having an annual meeting of the senior Inspectors to give suggestions as to the mode in which inspection should be conducted, especially as to the mode of conducting it with uniformity. Hitherto the Government had not set to work to start any establishment in which suitable masters might be trained, as it was a serious matter to do so. He thought however that the suggestion that training halls might be started was one well worth considering, although he hoped it would not be left to the Government to originate them. With reference to the question of compulsion, he might point out that the great size of London made the work of the London School Board much more difficult than that of any other board in the country, for they had to deal with such an enormous multitude of persons who were neglected and more or less degraded. They must also bear in mind that there was a considerable difference between the town and country, and that though there might be some villages and districts in the country where there was great neglect, there were not those masses of neglected children which they saw in towns. The hon. Member for Westminster (Mr. W. H. Smith) had said that modes had been discovered for evading the Act; but he (Mr. Forster) had endeavoured to meet those cases in the Bill which he had lately introduced. With regard to the night schools, although the regulation that every school must be open 60 times in the course of a year and the average attendance of the scholars must be 40 might have had the effect of shutting up some schools, he thought

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that any institution which was worthy of support on educational grounds should be able to comply with that condition. He hoped the Committee would agree to the Vote which he now asked.

MR. SCOURFIELD gave the right hon. Gentleman credit for great earnestness and zeal in his endeavours to promote the education of the people; but he regretted that the results, as compared with the cost, were not as satisfactory as might be expected; and he thought that the heads of schools might receive a caution on the subject.

*Vote agreed to.*

(2.) £218,503, to complete the sum for the Science and Art Department.

In reply to Mr. BOWRING,

MR. W. E. FORSTER said, it was quite true that Mr. Cole had resigned his position as Superintendent of the Science and Art Department, at South Kensington, and the important question of the appointment and duties of his successor would be taken into consideration by Lord Ripon and himself, with the assistance of his Colleagues in the Government. He could not allude to the resignation of that gentleman without saying that he had always found him a most efficient, devoted, and painstaking public servant. He only wished that in every Department they had such good servants. He had found very few persons to compare with Mr. Cole either in devotion and industry or in ability and knowledge. He had also been most successful as an administrator.

MR. SCLATER-BOOTH said, that the answer of the right hon. Gentleman in regard to Mr. Cole's successor was not satisfactory. He objected at so late an hour to go on with this Estimate; particularly as the Government intended, as he understood, to take Supply at the morning sitting this day.

*Vote agreed to.*

(3.) £129,413, to complete the sum for Public Education in Scotland.

MR. MILLER asked how it came that this year the sum allowed for education in Scotland was only £3,000 more than when they had no Act, and he also wished to know why the building grants were put down at the very small sum of £1,400, while the Vote for building grants in England was £105,000?

MR. W. E. FORSTER said, that the reason why the Estimate for Scotch Education was not larger was they did not think it necessary to make it so during the first year of the passing of the Act. If they found more money was wanted, a Supplemental Estimate could be introduced next Session. As to the Scotch Code, that had been drawn up with a view to consult the feelings and wishes of the Scotch people, and he should be very much surprised if Scotland did not earn more money per child than England did.

In reply to MR. DALGLISH,

MR. W. E. FORSTER said, he could not undertake to alter the Scotch Code at once, provided it did not come up to his expectation.

Vote agreed to.

(4.) £4,610, to complete the sum for the Board of Education, Scotland.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again *To-morrow*, at Two of the clock.

#### MUNICIPAL ELECTIONS (CUMULATIVE VOTE) BILL.

Motion made, and Question proposed, "That leave be given to bring in a Bill to amend the Law relating to the Election of Aldermen in Municipal Boroughs by the application thereto of the Cumulative Vote."—(*Mr. Collins.*)

Debate arising;

Motion made, and Question, "That the Debate be now adjourned,"—(*Sir Hedworth Williamson.*)—put, and *negatived*.

Original Question put, and *agreed to*.

Bill ordered to be brought in by MR. COLLINS and MR. MORRISON.

Bill presented, and read the first time. [Bill 206.]

#### ENDOWED SCHOOLS ACT (1869) AMENDMENT BILL.

On Motion of MR. WILLIAM EDWARD FORSTER, Bill to continue and amend "The Endowed Schools Act, 1869," ordered to be brought in by MR. WILLIAM EDWARD FORSTER and MR. SECRETARY BAUCE.

Bill presented, and read the first time. [Bill 207.]

House adjourned at a quarter before Two o'clock.

## HOUSE OF LORDS,

Friday, 27th June, 1873.

MINUTES.]—PUBLIC BILLS—*First Reading*—Petitions of Right (Ireland) \* (180).

*Second Reading*—Ecclesiastical Commissioners \* (170).

*Report*—Thames Embankment (Land) \* (137-179); Canonries \* (169); Admission to Benefices and Churchwardenships, &c. \* (176-181).

### ORDER OF MERIT.

MOTION FOR AN ADDRESS.

EARL STANHOPE, in proposing an Address, praying Her Majesty to take into her gracious consideration the institution of an Order of Merit, by which Her Majesty would be enabled to bestow a sign of her royal approbation on men who have deserved well of their country in science, literature, and art, said, that when in February last a proposal to allow British subjects to wear foreign decorations was made to the House by his noble Friend opposite (Lord Houghton), he expressed his concurrence in the answer given by the noble Earl the Secretary of State for Foreign Affairs. He (Earl Stanhope) then said that he deemed it of great importance to maintain the principle that the Queen alone was the fountain of honour; but at the same time he expressed his great regret that no means appeared to exist among us of distinguishing the men who had deserved well of their country, or who had attained eminence in other walks of life than civil or military service. That was no new opinion of his, arising only out of that debate. For many years past he had felt the same regret, and awaited only what he thought a favourable opportunity of submitting that question to the judgment of the House. Orders of Knighthood in their earliest origin were, it might be said, confederacies for military objects, arising from the wars in the East between the Christians and the Saracens. One of those early institutions—the Knights of Malta—continued, as their Lordships knew, to live, or at least to linger, until nearly their own times. Subsequently there arose other Orders of Knighthood rewarding military services in wars between the divers Christian States. Civil services were for the most part only by slow degrees acknowledged. Still more tardy had been the recognition by any State of

merit in literature, art, or science, which, indeed, in a less civilized state of society, were held of small account. Poets, for example, in this country were for some time regarded as an inferior rhyming race, whose principal distinction was the Poet Laureateship, and their principal employment to extol in birthday odes the virtues of the reigning King and Queen. Only by degrees had juster ideas on these points prevailed, and at present there was scarcely a State of any importance on the Continent which had not admitted the right to decorations to the men of eminence in art, science, and literature. England only, he believed, among the nations of Europe was on these points, he must say, discredibly lagging in the rear. As regarded those foreign nations, he would not weary the House by going over the States of small extent or more recent formation, but would confine himself to those four which, in conjunction with England, used to be surnamed the Five Great Powers. First, as to France. There, as was well known, the Legion of Honour was in its very nature comprehensive. There, an artist like Delaroche, or a man of sciencelike Cuvier, was decorated with the same riband that rewarded a diplomatist like Talleyrand or a statesman such as Thiers. There, as he would venture to assert, a most healthful spirit of emulation was engendered by a distinction which was open to all, and which required no passport of birth, but only the proof of merit. Passing to Austria, he had received much information from that most accomplished statesman, Count Beust, who now so worthily represented the Court of Vienna in this country. He learnt from him that of the various Austrian Orders only one, that of Maria Theresa, was strictly confined to military service. To the others, men of literature and science were freely admissible. As instances might be mentioned, Professor Mittermeyer, of Heidelberg, and a poet at Vienna of great fame throughout Germany, and less known in England than perhaps he deserved to be, Grillparzer, who had attained old age, and was celebrating the anniversary of his birth with his friends, when, by a graceful attention of the Emperor, he was gladdened by receiving the Grand Cross of the Francis Joseph. Much the same, as far as he could learn, was the case in Russia. No Order was

specially reserved for men of art and science, but they could find a place in others side by side with the men who had served the State in administration and in warfare. In Prussia of late years the greatest zeal in this cause had been shown. There was an Order entitled *Pour le Mérite*, founded by Frederick the Great, who had appropriated it to military service in the field; but the late King of Prussia, by a decree, dated May 31, 1842, extended the Order, or rather formed a new class in it, for men who had attained eminence in any branch of knowledge or of art. The number of these, exclusive of honorary members from foreign countries, was fixed at 30, and it was added in the decree—"The study of theology is in accordance with its spirit excluded from this Order." Here, perhaps, there was much to be said on both sides. On the one hand it might seem hard that eminence in theology should not be rewarded as eminence in different branches of study; on the other hand, it was certain that, wherever religious jealousies were rife, a minister would be exposed to constant misconstruction, as if he sought to promote a particular doctrine, while he ought only to consider the claims of eloquence and learning. He was not concerned, however, at present to argue that particular point one way or other; he had mentioned it only as part of the information which he was desirous of affording. He now came to the case of England, and here he would venture to assert that, so far as concerned the recognition of literature, science, and art, we, far from advancing, had actually retrograded. He would go through our different stars and crosses. The Order of the Garter was, as their Lordships' knew, confined to Peers. The instances of Commoners holding it since the Revolution—Sir Robert Walpole, who received it before he was created a Peer—Lord North and Lord Castlereagh, as eldest sons of Peers—were very few. It had been refused by both Mr. Pitt and Sir Robert Peel. The same might be said of the Orders of the Thistle in Scotland, and St. Patrick in Ireland. As to the Bath, originally the reward of naval and military services, it had been extended to diplomatists and statesmen, but was not now extended to men in other walks of life. That had not been always so, for a red riband was formerly granted

to men of science, and it added to the dignity with which Sir Joseph Banks used to preside over the Royal Society. No similar instance could be given at the present time, and it was this fact which justified him in saying that in this respect, far from advancing, we had, in truth, gone back. The inequality of the present system had also been strikingly shown by the decoration of the Bath being conferred only a few weeks since on Professor Owen, a man, he need not say, of the greatest eminence in the science of Palæontology, but who was eligible only as the holder of an office in the Civil Service—namely, at the British Museum. Now suppose that a man of equal eminence in the kindred study of Geology, Sir Charles Lyell, had been marked out for the like honour from the Crown; then as not holding an office he would not be eligible. Was not this single fact sufficient to make out the case against the present rules? Here were two men equally great in science; the one eligible for distinction because he filled an office, the other not eligible because without place or salary he had laboured in the same cause as an independent man. His object would be equally attained by the foundation of a new Order, or by the creation of a new class of the existing Order of the Bath, conferable upon distinguished men of literature, science, and art; and it would be for the advisers of the Crown to consider which course was preferable. He could not see why one or other of these courses should not be pursued. If done, he believed the effect would be to give a great encouragement to the progress of literature, science, and art in this country, and that a befitting means would be thereby supplied to the State to reward distinguished men who had hitherto been neglected by it. In the debate referred to, the noble Earl opposite (Earl Granville) spoke slightly of the value of Orders, and cited the remark made of Lord Castlereagh by Prince Metternich at the Congress of Vienna, undecorated in the midst of diplomatists brilliant with stars and ribands—“*Ma foi! c'est bien distingué.*” But from whom did the disparagement of Orders in that debate proceed? Who was the noble Earl who spoke so slightly of them? Why, a Knight of the ancient and illustrious Order of the Garter. Was it then seemly in a Knight of that

illustrious Order, in a man who had attained the highest distinction that Order could confer, to blame other men who, in reward of honourable labour, sought in a lesser field a like distinction? For the noble Earl to adopt such a tone was something like one of the merchant princes of London—a Rothschild, say, or a Baring—holding forth on the worthlessness of wealth. Members of this House were ambitious of earning a red or blue riband by public service; and why should it be discreditable for the poet or artist to nourish a similar ambition? To condemn Orders altogether would partake too much of that utilitarian spirit which, unhappily, was only too characteristic of the present age. If admitted in this case it might be applied to other cases also. Why might not the standard of England itself be described as only a piece of silk, red or blue, with some devices embroidered upon it and stuck at the end of a pole? Yet, this was the standard which had never waved without affording protection to all entitled to it, and which thousands had died for in battle rather than surrender. Much had been said out-of-doors of the difficulty there would be in selecting men for this distinction. He admitted that there would be a difficulty; but the First Lord of the Admiralty had to select lieutenants from cadets, and captains of ships from lieutenants, while the abolition of purchase in the Army had increased the responsibility of the Commander-in-Chief with regard to appointments. The difficulty of selection would not be greater in that than in other cases, and he might add that both the late Prime Minister and the present, Mr. Disraeli and Mr. Gladstone, both men of literary attainments and corresponding reputation, would be peculiarly qualified to select the proper men. In the establishment of such an Order three rules, however, would be essential, and those would lessen the difficulty of selection. It might be right in already established Orders, as in the Garter, to consider political partizanship or party fidelity, but the new Order of Merit should be open to all parties and to all or nearly all professions and ranks, while the person admitted must be left quite free to vote against the Minister who had recommended him. Next, the number, whether confined to a single class, or, as he would rather advise, extended to

two, should, as in Prussia, be limited; for otherwise there would be constant solicitation to add one more, instead of, when once filled, leaving only vacancies to be supplied. Thirdly, the Order should not carry with it any change of title, as distinct from the name of the recipient. In some cases knighthood would be welcomed; but not unfrequently men who had attained great celebrity by a particular name were unwilling to change it, however slightly. This was the case with Mr. Hallam, when offered a Baronetcy by Sir Robert Peel, and was one of the motives, though not the only one, which led Mr. Grote to decline the peerage offered him by Mr. Gladstone. The change of title might, when consistent with the merits of the case, and agreeable to the feelings of the person concerned, be effected by a separate act of favour from the Crown. With these rulers he had no fear as to the working of the measure. Such was the case which he desired to lay before the House. Whatever might be thought of the manner in which he had treated it, he was sure that the object itself would receive careful consideration from the advisers of the Crown. In the course of his public life he had been greatly struck by the contrast between the contempt and disdain often felt for literature and science by underlings in office, and the respect and attention almost invariably shown them by those men of higher mark at the head of public affairs. He was sure that the Ministers of Her Majesty would carefully consider this object, and he should rejoice if they felt it within their sphere of duty to concede it. If not, he would appeal to the House at large to put an end to that feeling of dissatisfaction, that chafing at unequal right which existed to a large extent in the literary, artistic, and learned classes in England. He appealed to the House—and these should be his last words—to seek to do honour to those men who had done honour to their country.

*Moved* that an humble Address be presented to Her Majesty, praying that Her Majesty would be pleased to take into her gracious consideration the institution of an Order of Merit by which Her Majesty would be enabled to bestow a sign of her royal approbation upon men who have deserved well of their country in science, literature, and art.—(*The Earl Stanhope.*)

*Earl Stanhope*

EARL GRANVILLE admitted the force of the arguments so clearly urged by his noble Friend, and felt that in urging any arguments on the other side it was rather difficult to do so in the present Assembly; he, however, did not think sufficient reason had been shown for acceding to the Motion. He fully agreed in all that had been said respecting the deservings of distinguished men of science, literature, and art, of whom the country had good reason to be proud, and that he should be glad to see his way to doing something towards satisfying the aspirations of the noble Earl; but he feared that the difficulties of dispensing a new Order of Merit such as that suggested were by far greater than the noble Earl seemed to think. One of the existing Orders, that of the Garter, had been remarkable for the distinguished persons who had possessed it, yet one of the things which gave it its charm was its mediæval character, and nobody would think of proposing that such an Order should now for the first time be created for the purpose of being distributed in the manner in which it was now generally done. No doubt there might be some advantage for a time in the creation of new Orders by despotic Sovereigns. For instance, no one could doubt that when the despotic head of an Empire like Napoleon I., with his great military genius, instituted the *Légion d'Honneur*, it inspired his troops with a spirit of emulation which facilitated his achievements; but the importance of these Orders somewhat diminished as time went on. It was some years since he lived in France, but he found the *Légion d'Honneur* much depreciated, not when given for eminent services, but because almost every third or fourth person one met in the streets displayed that red riband. He did not mean to say that that would be the case if the Order the noble Earl desired were established; but he thought that the creation of such Orders and their too free distribution might have the same effect. He agreed with his noble Friend that if an Order of Merit were established it must be irrespective of political opinions, and open to every profession in which distinction was sought, leaving the recipient thoroughly independent of the influence of party; but he saw difficulties in the practical working of it, and he was not sure that they

were not greater in a country having the inestimable advantage of representative institutions than in one of a more despotic character. Their Lordships would all admit that the Prime Minister was overworked to a very great degree, and he doubted the wisdom of adding to his duties and obligations; yet it appeared to him impossible for any other person, with regard to an Order of Merit distributed among every class of the community, to assume the duty of administering it. In other countries it might be all very well for those who had already received honours to recommend those to whom they should be given; but in this country that would be a sort of close corporation which would infallibly break down. Literary pensions had given rise in innumerable cases to criticism and dissatisfaction, and promotion in the Admiralty was not an analogous case, for the First Lord was bound to acquaint himself with the merits of the officers under him. His noble Friend had mentioned Mr. Gladstone and Mr. Disraeli as men of literary eminence themselves entitled to distinction, but all Prime Ministers, though good Prime Ministers, were not equally competent judges. Sir Robert Walpole had a supreme contempt for the whole class of literary men, yet under the Motion he would have had to decide who was the best poet, the best historian, and the best jurist. He (Earl Granville) believed a Prime Minister would be above political considerations; but in the working of our institutions he was not sure whether, out of two men of equal attainments, the one who had written ably and successfully on the Ministerial side would not have the preference, unless the case were a very glaring one. The difficulties of instituting new Orders of this kind were enormous. He agreed to a certain extent with his noble Friend that it was illogical to confine rewards to servants of the Crown; but it should be remembered that it was the object of the State to tempt the best men into the public service, and that a certain number of rewards distributed among them increased the consideration in which they were held. It was a very different thing for the head of a representative Government to select virtuous, eminent, and distinguished persons from the whole community. He knew that many were anxious

to obtain some such recognition of great services to the public, but he doubted whether men like Lord Macaulay and Sir Charles Lyell would derive the slightest increased consideration from an Order of that character; while, if mistakes were made, as was certain to happen in comparing different walks in life, there would be outcry and dissatisfaction. He did not complain of the noble Earl having brought the subject forward, or of the manner in which he had treated it. It was a matter, of course, quite open to discussion, and that House was perfectly qualified to express their opinion upon it. All he could say at present on the subject was that the Government saw no means of giving practical effect to the noble Earl's views, and therefore he could not agree to the Motion.

LORD HOUGHTON said, that as one who had taken some interest in the question of foreign decorations, he desired to say a few words on the question. He approached the consideration of the question with great diffidence, and although he admitted the existence of many objections could not withhold his support from the Motion of the noble Earl (Earl Stanhope). The discussion raised by himself (Lord Houghton) on a former occasion was useful, as having elicited the fact that the objection to wearing foreign decorations rested simply on the order of one of the Departments of the State, not countersigned by the Sovereign or even by the Prime Minister, and that there existed no legal penalty or disqualification on the subject. The matter under discussion, however, was a perfectly distinct question, and he must urge that it was advisable to keep the noble Earl's proposition altogether distinct from the question of the acceptance by Englishmen of foreign orders. The objections just urged by his noble Friend the Secretary of State for Foreign Affairs were very obvious, and it was doubtless easier to reward public servants than to select men distinguished in art, science, and literature; but if the proposal of the noble Earl were carried out, he believed the advantages that would accrue would considerably outweigh the defects comprised in those objections. Were such an Order established, probably the men who had most influenced the minds of their countrymen would



hardly come under the cognizance of those who distributed decorations. Three men in the lifetime of their Lordships had guided and influenced the mind of England. The generation from which he came was under the moral and philosophical influence of Coleridge, under whose genius the literature of the time was almost transformed. The following generation, perhaps, not so patently, but in a great degree, was under the influence of Mr. Thomas Carlyle, whose writings had influenced not only the philosophy, but the practical statesmanship, of our time, and had even affected the structure of the English language. There had since been the influence of Mr. John Stuart Mill. He would not say that no one of these three men would in all probability have been offered or accepted any decoration; but it was not by these high superiorities that the question must be tried, but by the ordinary eminences in science, literature, and art. In addition to the arguments for the Motion urged by the noble Earl opposite, he would urge the evil to both parties of isolating literature from our political and social system, and the importance of bringing literary men into brotherhood with men of different conditions and ranks, thereby doing much to secure the maintenance of the orders of society and a community of interests among all classes. It was also desirable to take a step which would indicate the importance of art and literature, and would show that the well-being of a nation did not depend on active pursuits alone. Moreover, if by any recognition of the merits of science and art they could keep more prominently before the nation those qualities upon which the dignity, prosperity, the power and the mind of the nation depended for their development, a great good would be effected. The noble Earl said that he would be equally satisfied with the institution of a new Order, or with the extension of some existing Order for the purpose; but he (Lord Houghton) would, for his part, much prefer the latter, one effect of which would be to bring men of literature and science to a position of greater social dignity, and tend to put them upon a greater degree of equality with their Lordships than at present. The Order of the Bath had been extended to all civil officers under the

*Lord Houghton*

Crown, and that measure though denounced at the time, as exercised in an unscrupulous manner and to lessen the dignity of the Order, had been received with public favour. Many men of political distinction had received decorations, but the fact that Mr. Gladstone and Mr. Disraeli went about the world entirely undecorated argued caprices and inconsistencies in the distribution of Orders such as could hardly be equalled if they were extended to literature and science. He had had the honour of being present at the dinner given by the late King of Prussia to the *Ordre de Mérite*, which had maintained the French name it derived from its founder's Gallican proclivities, and he was much impressed at seeing an academy, as it were, of every kind of mental distinction gathered round an intellectual Sovereign. He believed the difficulty of selection would be less than in the distribution of rewards in the public service, for the Minister, though he might make mistakes, which attended the distribution of all honours and rewards, would be guided, not only by his own opinion, but by the distinct affirmation of the public, which would point out the men fit to receive the distinction; and, overworked as Mr. Gladstone was, he was sure his own classical mind and love of literature could have no more grateful task than the recognition of intellectual eminence. If, as his noble Friend seemed to think, these Orders were declining in estimation, why had the Order of the Star of India and that of the Victoria Cross been created? The diffusion of education and the general system of competitive examination had laid the foundation for a great intellectual hierarchy, of which the institution proposed would be the proper consummation. A considerable amount of knowledge and capacity had been made a requisite, perhaps in an exaggerated form, for the public service. If that were a sound policy, why should there not be a distinct recognition of mental eminence?

THE EARL OF HARROWBY said, he must contend that the recognition of literary and scientific men as a separate class was undesirable. To attach them to the institutions of their country they required no special honours or rewards as a class, as had been attempted by foreign countries, and with very poor

success. He had no wish to create in them a class feeling, which would tend to diminish their feeling themselves to be fellow-citizens who were doing good work in their country, and resting their reputation on their merits alone. The Victoria Cross was the reward of an act of bravery as to which there could be no dispute; but a selection of literary and scientific men would be much more difficult; while the limitation of the number would involve serious heart-burnings, and temporary popularity instead of solid merit would be likely to gain the distinctions. The wisest course was, he thought, to leave matters in their present position, and instead of attempting to give to literary and scientific men a new distinction of doubtful value, to allow them to enjoy, as they had hitherto done, that unbought honour which sprang from the admiration and gratitude of their countrymen.

EARL GREY said, he was of opinion that if the object which it was proposed by the Motion to attain were to be effected at all, it would be better done by the extension of the Order of the Bath, than by the creation of any new Order. The Order of the Bath, he might add, was with a very few exceptions, given only as a reward for distinguished naval and military services; but in 1846, when the Government of his noble Friend Earl Russell came into office, the question of extending the Order to civilians eminent in literature and art was very carefully considered, and it was determined that it would not be expedient to take that course. He was at the time at the Head of the Colonial Department, and he could state that, in company with himself, some of the most distinguished literary men concurred in that view. The Government of Sir Robert Peel had, he believed, previously arrived at a similar conclusion. The reasons given by his noble Friend the Secretary for Foreign Affairs, in opposition to the Motion, were in his opinion quite sound. The practical difficulties in the way of giving distinctions, such as those under discussion, to literary men in our existing state of society would, he had no doubt, be found to be most formidable, and he must, therefore, express his satisfaction at the decision which the Government had come to on the subject.

On Question? *Resolved in the Negative.*

#### AGRICULTURAL RETURNS FOR SCOTLAND.—QUESTION.

LORD NAPIER AND ETTRICK asked Her Majesty's Government, Whether in compiling the Agricultural Returns for Scotland in future years they will be enabled to introduce the following returns:—

"1. A return of the number of acres of land now under cultivation which would be susceptible of remunerative improvement by underground drainage:

"2. A return of the number of acres of land now classed as heath or mountain land susceptible of profitable reclamation and improvement in connection with underground drainage:

"3. A return of the number of acres of land now classed as heath or mountain land appropriated exclusively to the support of deer:

"4. A return of the number of acres of land now classed as heath or mountain land incapable of cultivation and unsuitable for the support of live stock of any description other than deer:"

And, whether Her Majesty's Government will direct the Agricultural Returns for Scotland to be compiled in Scotland, and to be published in a separate volume with a distinct report? The noble Lord said, he trusted he might claim their Lordships' indulgence, while he explained the reasons which had influenced him in putting these Questions. The increase which had taken place in the price of provisions, and the great extent to which we had become dependent upon foreign countries for our supply of food, made it extremely important to ascertain, if possible, in what degree the productive powers of our own kingdom could be developed. Great difference of opinion existed upon this subject among even the most competent judges, and it was very desirable that there should be established, if the information could be arrived at, a more certain basis upon which opinion could be founded on this important subject. It was with a view of eliciting as much information as he could on the subject, that he had put these questions upon the Paper. He had limited his inquiries to Scotland, inasmuch as that portion of the kingdom appeared to be peculiarly open to the sort of improvement they suggested, and should the information be furnished, and the results found to be of a character that would demand further inquiries as to other portions of Great Britain, similar Returns might be obtained from the rest of the kingdom. If their Lordships would

refer to the Agricultural Returns which were already in their possession, as coming from Scotland, they would find that the acreage of that country was set down as 19,639,000 acres. Under the head of arable and improved pasture land, there were stated to be 4,538,000 acres; and upwards of 15,000,000 acres were put down as heath and mountain land. In endeavouring to ascertain what was the margin of increase that could be obtained in the productive power of the country, attention should be first turned to the character of the arable and pasture land capable of improvement by drainage and in other ways; and it seemed to be the opinion of those who were best acquainted with the subject, that great results might be obtained from the improvement of this description of land already more or less under cultivation. He trusted, therefore, that the Government would give a promise that in future the number of acres of land which would come within the particular category of land capable of further improvement would be given. He had no doubt that that part of the information required could be obtained with tolerable correctness. It was within his own knowledge, that in the part of the country in which he lived, every farmer, land agent, and proprietor was well acquainted with the quantity of arable land to which the system of tile drainage could be profitably applied. It was also important in making these Returns that they should have as accurate figures as could be obtained as to the quantity of land that came within the category of non-pasturage or waste. It was found in the Returns that had been published, that by far the greater portion of the country was returned as heath and mountain land, and that Return had led in various parts of the country to a good deal of misapprehension as to the real character of the soil. Among the agricultural classes there was the strongest apprehension that a very large portion of the soil was purposely retained in an unproductive state, simply for the sport and entertainment of the upper classes; and he thought it important that some notice should be taken of the Return; that it should be analyzed and distinctly characterized, so that in some degree the different uses to which that large area of land was devoted might be known. The Returns he asked for also included the

number of acres that were capable of being reclaimed and rendered productive to the extent of paying 5 per cent on the outlay which such reclamation would involve. There was no doubt that such a Return would hardly be a very accurate one in the first instance, but every year would help to make it more reliable and authentic. Then, again, he asked for Returns as to the quantity of land that was exclusively appropriated to the support of deer. Such a Return would be a very valuable one in the agricultural statistics of Scotland under any circumstances; but it appeared to him that the information was more than ever desirable at the present time with reference to a controversy which had lately risen on this subject—a controversy that had been pursued with considerable heat on both sides—on the part of those who were the votaries of sport and the owners of deer forests, and also on the side of those who thought that those deer forests involved an unjustifiable use of property. It was stated on the one hand, that the maintenance of these deer forests involved a depopulation of the country to a certain extent, and the substitution of an inferior and unprofitable class of the community for a more industrious and intelligent class; that it also involved to some extent a limitation of area of agricultural produce, and a consequent limitation of the profitable employment of capital; that it was in some degree an unjustifiable abuse of the rights of property, tending to produce dissent and dissatisfaction between the various classes of the community; and that the abuse was so great that it ought to be restrained. Their Lordships were aware that these arguments had been vigorously met by arguments on the other side. Those who were in favour of the appropriation of land in the way under discussion, denied that it produced any diminution of population whatever, and affirmed that the order of people, gamekeepers and others, whom it substituted for the previous inhabitants, were as respectable in their social position as the shepherd was in his. They also said, that although there might be a diminution of the meat supply in one form, there was a substitution of another description of animal food; and that, even if there were some loss at home under that head, the production of meat coming

within the class referred to was stimulated elsewhere, for they asserted that the farmers and shepherds who left the Highlands of Scotland carried their capital and their industry to Canada and Australia, where the identical commodities which they formerly produced in their own country were produced by them and sent to our markets in increased quantities, and to some extent of better quality, so that in reality there was no limitation of this sort of produce. Moreover, they affirmed that while the introduction of deer did no substantial harm, it led to a great deal of money being spent in the country that would not otherwise have circulated there, on the part of those who hired the deer forests, and that it led to society being sustained in remote parts of the Highlands which would otherwise remain unvisited and desolate. What was remarkable in the controversy was, that it proceeded from a very slight knowledge of the fact. It was not his purpose to express any opinion on the subject one way or the other. He was asking for information, and it would be inconsistent and illogical for him to offer an opinion; but he might be permitted to say that, in his humble judgment, that part of the question which had reference to the extent of the deer forests was a very important one, and that without a knowledge of the area of the land so occupied, it would be impossible to arrive at any very sound conclusion on the subject. It might be doubted whether it would be easy to make such a Return in the case of land occupied as deer forests as could be made as to the arable and pasture land; but he thought that the Return might be easily obtained on application to the proprietors and agents of the land. If the area were ascertained, there would be no difficulty in also getting at its productive powers, and the difference that would be made by the substitution of one class of produce for another. He also desired Returns of the amount of land absolutely unavailable for any productive purpose, and that Return was absolutely necessary in order to get at the future productive capacity of the whole country. It would probably be found that a very considerable area of the Highlands of Scotland came under that category. In the existing Returns upwards of 4,000,000 acres were set down as altogether unused for any

agricultural purpose. He hoped that the Government, if these Returns were granted, would order that they should be printed in a separate and distinct form. It was undesirable that the Agricultural Returns for Scotland should be mixed up with those of England. The land in Scotland was held in a different manner from that of England—it was transferred in a different way; the inhabitants' customs of tenancies were all different from those of England. He also thought that the Returns should be accompanied by a Preface or Report, composed by some distinguished and intelligent Scottish agricultural authority, a task which might with great propriety be entrusted to the Secretary of the Highland Society, who would be enabled to frame such a Report as might be thought highly interesting, popular, and instructive.

THE DUKE OF ARGYLL, in reply, said, he hoped his noble Friend (Lord Napier) would not think him an enemy to the progress of knowledge, and that he would excuse him, if he ventured to suggest that there were very serious difficulties involved in getting the Returns, so that they might be inserted in the manner wished by his noble Friend. He entirely agreed in the desirability of enlightening the public mind on the facts in respect to the tenure of land and the occupation and improvement of the soil, and also believed that many of the arguments used on both sides of those vexed questions implied the most entire ignorance of the whole state of those facts as regarded Scotland. He was anxious to supply such further information and knowledge as would be useful on that subject; but he would point out to his noble Friend that it must be knowledge of facts, and not knowledge of opinion. The noble Lord asked that in compiling the Agricultural Statistics of Scotland, they would introduce certain Returns, which he specified, but a Return in the Parliamentary sense of the term meant a Return of clear definite facts, easily ascertainable, and not of matters of opinion. Now, of the four heads included in his noble Friend's Question, only one referred strictly to a matter of fact, and he did not think the answer to it would be of much use to him. His noble Friend wanted—

"A return of the number of acres of land now under cultivation, which would be susceptible of remunerative improvement by underground drainage."

That involved all sorts of speculative opinions. Why, there was hardly a field belonging to any of their Lordships which would not be the better for being re-drained. Some drains got choked up, and some spots got damp, and there were a variety of circumstances to be considered. But his noble Friend not only said "susceptible of improvement," but susceptible of remunerative improvement." That was another thing, and involved another whole set of hypotheses. The question of remuneration or non-remuneration of agricultural lands was entirely a matter of local circumstances and demands, and depended upon the question of locality and markets. His noble Friend might as well ask for a Return of the number of acres of land in England capable of being turned into market gardens. Almost every acre would be capable of being so converted. Market gardens gave the maximum rate of rent—from £20 to £30 per acre—and its produce might amount to £40 or £50, or even £60. No, doubt, a large portion would be capable of being converted into a market garden; and perhaps at some future time, it would all be turned into market gardens; but it would be an absurd question to put, as to how much was capable of being turned into market gardens. That entirely depended upon the circumstances under which the land was let; and equally so, with the question of land being capable of remunerative drainage, that was entirely a question of opinion depending upon the local circumstances and local requirements. That was a Return that the Government were not prepared to make, and which no Government ought to be required to give, being one which to a great degree must be based upon speculative opinion. The next Return desired by his noble Friend was—

"A return of the number of acres of land now classed as heath or mountain land susceptible of profitable reclamation and improvement in connection with underground drainage."

He (the Duke of Argyll) had not the slightest doubt, that at some future period a very large part of the heath and mountain lands of Scotland which were not now occupied, would be reclaimed,

*The Duke of Argyll*

but that would depend upon the progress of society. But it was a speculative question how, when, and where the land could be remunerative. He could not see how such Returns could be given. The agricultural people of Scotland were intelligent persons, and very much alive to their own interests, and they were the best judges of when and where these lands were to be converted into arable lands. The process of reclamation was going on rapidly in the Highlands of Scotland, and wherever those interested locally were convinced that it would be profitable to so convert the land, it was done. He never went to the Highlands without seeing that such was the case; but he doubted whether information received from a Government officer on the subject would be a safe guide for public opinion in reference to it. Moreover, it would be absolutely impossible for any Government to say when a slope of mountain was to be reclaimed, and how it was to be done. As to the third question, namely—

"A return of the number of acres of land now classed as heath or mountain land appropriated exclusively to the support of deer,"

that was the only question of a matter of fact, and even that could not be given without some expression of opinion. No doubt when the surveys for Scotland were complete, they would get with more accuracy the acreage of the deer forests of Scotland; but what information would the public get from that? The land differed vastly in quality, and the number of acres would be wholly illusory as to the profitable occupation of the soil. There were thousands of square acres that would not support a sheep; therefore the Returns would be a fallacious indication of the real value of the land. If a Return were made of the number of acres of all the pleasure grounds and flower gardens in England, Scotland, and Ireland, in the vicinity of large towns, he believed its value would exceed that of the whole deer forests of Scotland. He then came to Question No. 4—

"A return of the number of acres of land now classed as heath or mountain land, incapable of cultivation and unsuitable for the support of live stock of any description other than deer."

That Return, too, would necessarily be based upon speculative opinion. There were few spots, with the exception of stony ridges and peaks, on which an

animal of some description—a goat, for instance—could not find something to live upon. Under all those circumstances, it was impossible to grant the Returns asked for, the duty of the Government being to furnish facts and not opinions. If they placed the obtaining of the Returns in the hands of one person, as suggested, it might prove to be a formidable engine for the dissemination of particular opinions. Their Lordships, doubtless, remembered that in one of his public speeches last winter, his noble Friend Lord Derby made a statement as to the occupation and cultivation of land in which there was, no doubt, a great deal of truth; but that statement had been seized upon by all sorts of persons, and twisted in the effort to make it support views wholly different from those which it was meant to illustrate. Under those circumstances, he thought it would be imposing upon them a task which they ought not to be called upon to perform, for if the Government were to place a duty in the hands of an officer, involving questions as to how land should be used here and there all over the country, it would be illusory in its nature and would inevitably lead to interminable controversies and misleading data. Under those circumstances, he could not hold out any hope of the Returns being furnished in the manner suggested in the Question of his noble Friend.

#### INDIA—DESTRUCTION OF LIFE BY WILD BEASTS.—QUESTION.

LORD NAPIER AND ETTRICK, in rising to ask Her Majesty's Government, Whether the Government of India had under its consideration any measure for the prevention of the destruction of life and property in India by wild beasts?—said, the question was one which concerned the welfare and safety of a numerous, remote and defenceless order of Her Majesty's subjects, and he need, therefore, he felt, make no apology for bringing it under the consideration of their Lordships' House. The outlines of the Question had been furnished in a paper recently read in the Society for the Promotion of Social Science by a meritorious officer of the Bengal Service—Captain Rogers—who was favourably known by his services in connection with penal institutions in India. That paper

had, he believed, been forwarded to many of their Lordships. While he did not adopt all the assertions made and conclusions drawn by Captain Rogers, he could not but recognize and acknowledge the service he had rendered in dealing with that subject. The evil was not general, but it was very serious where it existed; and it existed in its worst form in Bengal, the North-Western Provinces, and in central India. It appeared from a Return for three years, that the average loss of human life in the British provinces from the cause referred to was 4,138. The reports for those provinces were, however, in themselves, incomplete, and did not extend to the native states, and it was, in fact, calculated that the number did not fall far short of 10,000. The Returns as to the loss of live stock were far more complete. They showed that in Madras 60 live stock were killed for one human being. There were no Returns for six districts, but he thought he might say that 100 live stock were killed for one human being. So that if 10,000 human beings were killed, the number of live stock destroyed would amount to 500,000. The value of those domesticated animals was uncertain, but might be set down as between £250,000 and £500,000. But that was not all—the sufferings and losses were not confined to the actual destruction of human and animal life, for still greater loss and suffering were caused by the loss of labour and produce by the limitation of culture, the interruption of traffic, and the habitual terror produced by these animals. Everyone, therefore, would admit the importance of the subject, and the Government were bound in honour and in duty to do something more than had hitherto been attempted. The sufferings of the people from wild animals, moreover, were much aggravated by the disarmament which followed upon the Indian Mutiny, for in consequence of that step being taken, the Government had deprived the people of the arms which they were formerly allowed to possess, and there could be no doubt that the want of arms had made them more submissive to the ravages of wild beasts. The extension of culture in the woods and the protection of woods were also causes that had contributed to the increase of the evil. The Indian Government were bound as far as possible to protect the lives and property of

Her Majesty's subjects, and he would recommend that the whole question should be placed in the hands of the police. They should continue to make full and accurate Returns of the loss of life and property from wild beasts, and there should also be a continuance of the system of offering rewards for their destruction. In India, where everything was hereditary, there was a class of hereditary huntsmen. The native shikarries might be intrusted with a certain number of arms, for which they should be held responsible, and a special service might be organized in connection with these native huntsmen under English officers, such service adopting the use of a familiar name, but with an object in no way so atrocious as that applying to the former, might be appropriately termed "Tiger Thugs." He did not propose a settled general establishment; but experience had now shown, that to expect the wild animals of India to be destroyed by spontaneous efforts and under the existing system was hopeless. It might be supposed that in a matter affecting their lives and property, the natives might be trusted to defend themselves; but those who held such an opinion were little acquainted with the actual condition and character of the people of India. The people were incapable of undertaking the destruction of wild beasts, without the intervention of the Government; and they would go on for years, submitting to the infliction of their present sufferings. The active interference of the Government was not without example in India; and it was justified by the practice in France. In remote ages, the only method of preventing the multiplication of noxious animals was to offer rewards for the capture and destruction of wild beasts, and in France a regular department used to be kept up for the extinction of wolves and other destructive animals. The same question must be settled in India, and he trusted that the subject was either now occupying the attention of the Government of India, or that it would be brought under its consideration by the Secretary of State.

THE DUKE OF ARGYLL said, his noble Friend (Lord Napier) had done a public service by directing attention to the loss of life among the natives of India by wild beasts. It was a matter of the greatest public impor-

*Lord Napier and Ettrick*

tance, and he regretted that he was unable to assure his noble Friend that any particular or special means of preventing these losses and sufferings were at present under the consideration of the Government of India. According to the latest Returns, the number of persons who lost their lives by wild beasts was alarming and extraordinary, and the casualties were of such a nature as to make it almost imperative on the part of that Government to turn their earnest attention to the subject. As long ago as 1864 a despatch was sent to India requesting the Government to look into the question, but no answer had been received to that despatch up to the present time. He proposed sending out another despatch, calling the attention of the Government of India to the first one, and urging the necessity of seeing after the matter. These Returns, however, for the future, would be systematically made, so that the subject would be kept in view. The last Return, which was that of 1871, showed that the extraordinary number of between 18,000 and 20,000 human beings in India lost their lives from wild beasts and snake bites, and that of these a very large proportion owed their deaths to tigers. It also appeared that there were extensive districts where cultivation was seriously impeded, and almost at a standstill, in consequence of the ravages of man-eating tigers. No doubt, the responsibility of the Government had been increased by the native disarmament which had followed the Indian Mutiny, but it was, notwithstanding, extraordinary that the people had not sufficient energy to go out and destroy these creatures. His noble Friend had made a suggestion that as there was a caste in India devoted to hunting, they should be formed into a corps who might be called Tiger Thugs. He was quite certain that if the Government announced its intention to form a hunting corps, for the destruction of wild beasts in India, they would be besieged with applications for enrolment in it. His noble Friend's suggestion, which was new to him, might be applicable to certain parts of India, and he would request the Viceroy to take the whole subject into his consideration.

LORD LAWRENCE said, that the Government of India had, of course, been aware that great numbers of human beings—men, women, and children were

annually destroyed by wild animals, and that the evil had, to a certain extent, increased since the general disarmament of the population consequent upon the Mutiny, but he did not know that in any sense the Government of India could be said to be much to blame in the matter. For many years, handsome rewards had been allowed by the Government for the destruction of tigers, bears, wolves, &c.; but from some cause, which at present was not satisfactorily explained, it was clear that these animals were increasing in number. One point, however, deserved the attention of the Government. It was said, although he could hardly believe it, that in some cases English officers discouraged the extirpation of wild animals with the view of keeping the destruction of them in their own hands.

#### ARMY RE-ORGANIZATION.—MILITARY DEPOT AT OXFORD.

##### ADDRESS FOR CORRESPONDENCE.

THE MARQUESS OF SALISBURY, in moving for an Address for the production of Correspondence between the War Office and the Corporation of Oxford, or any other persons, concerning the purchase of a site for a Military Depot, said, that at the end of last Session he pressed strongly upon the Government that a military centre should not be established at Oxford until the Tutors and Professors had had an opportunity of expressing an opinion upon the subject, and he understood the noble Marquess opposite (the Marquess of Lansdowne) to agree that the decision of the Government should be put off until such an opinion had been expressed. In the autumn, as soon as the Tutors and Professors assembled, they drew up a Memorial, deprecating in the strongest terms the establishment of a military centre at Oxford, on the ground that it would interfere seriously with their work and increase the difficulty of maintaining efficient discipline. That Memorial, he presumed; the noble Marquess had seen. The signatures were headed by the names of Dr. Pusey and Dr. Jowett, and included those of eminent men of every school of thought in religion and politics, and probably so many men of such widely divergent views never before signed the same document, it being signed by 24 University Professors and 89 Tutors. When the ques-

tion was last before the House, it was treated as if it were a comparison between the respective merits of military and academical men. He never desired to put it in that light, or to oppose the Government in any spirit derogatory to the excellence of the discipline or morality of Her Majesty's Forces. Their barracks might be monasteries; association with them might be the one thing needed to stimulate study; and the population surrounding barracks might be distinguished by all the virtues, and, above all, by chastity; but the authorities of the University were judges of what was beneficial and what injurious to it, and for the War Office to oppose its opinion, was like an Archbishop quoting the opinion of Convocation on a question of military discipline. He should have thought no Administration would wish to incur the unpopularity of setting at naught the opinion of the great national University; and the Secretary of State for War had other reasons for refraining from this course. The Inspector General had reported against the eligibility of the site, which would jam up the centre in an extreme corner of the district. It was also curious to observe how the War Office had met another class of objectors. There was local opposition to barracks being built near two roads containing villas; and that local opposition prevailed, while the authorities of the University were disregarded. When he (the Marquess of Salisbury) suggested last year that Oxford had been selected as a military centre because Mr. Cardwell was Member for the City, the noble Lord opposite (the Marquess of Lansdowne) warmly repelled the suggestion. Last winter, however, Mr. Cardwell went down to the meeting of the Druids, and delivered his annual electioneering speech, and he actually put forward as one of the grounds for claiming the confidence of his constituents, that he had selected Oxford as a military centre, because of the connection of the regiment to be located there with the City of Oxford. It was done by the right hon. Member for Oxford in order to please the City of Oxford, and his Colleagues seemed to think that it was quite natural that an administrative power should be employed to purchase a constituency. ["Oh, oh!"] Well, if noble Lords opposite objected to purchase, he would say to conciliate a constituency.



**THE MARQUESS OF LANSDOWNE:** The regiment is connected with Oxford.

**THE MARQUESS OF SALISBURY:** Did the noble Lord mean to say that the 52nd Regiment cared about going to Oxford? However, that might be, he could not otherwise account for more importance being attached to the representations made by the right hon. Gentleman's constituents, to which he had referred, than to the united opposition of all the teaching authority of that great University. Some years ago, it was said—whether truly or falsely no matter, but falsely he believed—that a contract was given to conciliate the electors of Dover. A change of Ministry followed, and, by a strong departure from the ordinary practice, which was for a Ministry to regard the administrative Acts of its predecessors as sacred, the contract was revoked. On the same principle he believed that act of selecting Oxford as a military centre would not be respected by another Secretary for War, should there by any chance be a change of Government; and he for one should not deem himself precluded from asking the new Government to reverse the act of its predecessors. The University was, he thought, perfectly right in keeping the question open, and if any further opportunity should be afforded hereafter for obtaining a reversal of the policy from some future Minister of War, he wished it to be understood that he should not feel himself precluded from availing himself of it, by reason of his not taking further action under the existing Government.

*Moved* that an humble Address be presented to Her Majesty for, Copies of correspondence between the War Office and the Corporation of Oxford, or any other persons, concerning the purchase of a site for a Military Depot.—(*The Marquess of Salisbury.*)

**THE MARQUESS OF LANSDOWNE** said, the noble Marquess opposite (the Marquess of Salisbury) appeared to have forgotten that the War Office, in selecting sites for these dépôt centres, was bound to search for certain conditions which were requisite to the carrying out of the scheme—conditions which were not easily found within a limited area. It was, in the first place, necessary that the site selected as a dépôt centre should be central in respect of the population from which the troops attached to the district were to be re-

cruited; secondly, that the railway communication between it and the rest of the country should be ample; thirdly, that the locality itself should be healthy, and generally suitable; fourthly, that it should if possible be a place in which the head-quarters of a Militia regiment had already been established. In Oxford every one of those conditions had been satisfied. It was upon those grounds that it had been selected, and it was not until the arrangements of the War Office in the matter had been somewhat matured that the opposition of the University had to be encountered, for it was late last year when the Memorial quoted by the noble Marquess had reached the Government. Nothing could be further from his intention than to say a word which was disrespectful towards those who had signed the Memorial, but it was a fact that, out of 25 Heads of Houses, only five had appended their signatures to it; and he might besides add that if, as the noble Marquess said, a military officer could not be a good judge as to what was suitable to academic discipline, a Professor of Moral Philosophy would be likely to have very crude ideas as to the result of the establishment of a military dépôt under a system of which no experience existed, in a particular locality. As to the Report of Prince Edward of Saxe Weimar, although he had pointed out various difficulties with respect to obtaining a good site within two miles of Oxford, yet he had said nothing against the selection of Oxford as a dépôt centre on general grounds, and the difficulties which had been raised in anticipation in the Report, with respect to the water supply and other matters, had been satisfactorily overcome, for the most part by arrangement with the Corporation of Oxford. He would remind the noble Marquess, too, that he had made no alternative suggestion as to where a dépôt centre for the district might be established on the present occasion, as he did on a former one, and that while disapproving Oxford he had not suggested to their Lordships another place in which the requisite qualifications were to be found. He had, he might add, no objection to the production of the Correspondence.

**THE DUKE OF RICHMOND** remarked that Prince Edward of Saxe Weimar had not to discharge the duty of reporting whether Oxford was or was not,

*The Marquess of Salisbury*

in his opinion, a suitable site for a dépôt centre, but whether a suitable place for the purpose could be found in the neighbourhood, and he found himself unable to recommend any site in the vicinity of that city except one at Woodstock. As to the objections raised on account of the want of a proper supply of gas, water, and the absence of an outflow for sewage, he found that "provisional" arrangements were to be made to meet those objections; but provisional arrangements, when the case was one concerning a large body of men, were most unsatisfactory, and he hoped the negotiations on the subject would end in their being of a more complete character.

EARL GRANVILLE said, he felt it his duty to declare that there was no foundation whatever for the odious imputation which the noble Marquess opposite (the Marquess of Salisbury) had made upon his right hon. Friend the Secretary of State for War—that in his selection of Oxford he had been actuated by a desire to conciliate his constituents at Oxford, and that when a Conservative Ministry should be in office he would endeavour to obtain a reversal of the policy.

THE MARQUESS OF SALISBURY explained that his meaning was, that whenever a Conservative Minister of War should be in office he should humbly approach him on this subject precisely as he would the present Minister for War. As to the odious motives spoken of by the noble Earl, they existed only in his own imagination. He did not impute any. Politicians did not generally regard it as an odious thing to conciliate their constituents. At the same time, he thought that a certain degree of reserve should be imposed in such a matter on a War Minister who also happened to be Member for the City of Oxford.

EARL GRANVILLE repeated his opinion that an odious and disgraceful imputation had been made on his right hon. Friend, in suggesting that it was to curry favour with his constituents, and unmindful of the duties of his position, he had made a selection of Oxford as a military centre.

THE EARL OF CARNARVON said, he was of opinion that the noble Earl opposite (Earl Granville) had taken his noble Friend (the Marquess of Salisbury)

to task with undue severity. He understood his noble Friend to have spoken of that, which, after all, was not an uncommon practice—namely, the natural interchange of what were termed good offices between a constituency and the person who represented them. However, he deprecated a question of that kind, so important to the University, being diverted into that channel. Even assuming Oxford to be the best military centre, the Government were also bound to take into account the representations of those who were responsible for the teaching and the discipline of the University. There never was a Memorial, in which men representing so many different departments of learning concurred in expressing with one voice a more decided opinion, than that in which the conviction was stated that the establishment of a military centre at Oxford was calculated to interfere with the discipline and conduct of the University.

THE BISHOP OF OXFORD, as a near resident, must say that the proposed military centre was a subject on which there existed the most complete unanimity, as far as he knew, among the University authorities against fixing its site so near to that great institution. He regretted that no pains appeared to have been taken to answer the objections made on behalf of the University. As a matter of common sense and ordinary experience, he thought the immediate proximity of a military centre was not, on the whole, favourable to morality, or to those interests which a great educational body had at heart.

THE MARQUESS OF LANSDOWNE explained that the opposition to the establishment of that military centre seemed to be based on the idea that Oxford was about to be turned into a garrison town, whereas in fact there would be there only some 15 officers, 50 or 60 old soldiers, and about 200 recruits under severe training.

LORD REDESDALE held that a representation coming from either of two such great national institutions as Oxford or Cambridge ought to have received the utmost attention from the Government.

THE EARL OF KIMBERLEY pointed out that there were other Universities in the kingdom besides those of Oxford and Cambridge, which were near military centres, and no harm had come of the connection. He had never heard that

Trinity College, Dublin, had suffered from the presence in the Irish capital of a garrison of even some 4,000 or 5,000. A more fantastic notion had never entered the head of any man than the misapprehension entertained by the learned Professors who had signed that Memorial, and he would remind their Lordships that not very many years ago the University of Oxford had an extreme objection to the making of a railway to that city, being persuaded that it would put an end to the discipline of the University.

*Motion agreed to.*

House adjourned at a quarter past  
Eight o'clock, to Monday  
next, Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, 27th June, 1873.*

MINUTES.]—SUPPLY—considered in Committee

—CIVIL SERVICE ESTIMATES.

*Resolutions [June 26] reported.*

PUBLIC BILLS—*First Reading*—Elementary Education Provisional Order Confirmation (Nos. 4, 5, and 6) \* [208, 209, 210]; Local Government Provisional Orders (Nos. 4 and 5) \* [211, 212].

Committee—Juries [35]—R.F.

*Third Reading*—Canada Loan Guarantee \* [159]; Court of Queen's Bench (Ireland) (Grand Juries) \* [198], and passed.

The House met at Two of the clock.

ARMY—ADJUTANTS OF MILITIA—RETIREMENT ALLOWANCES.—QUESTION.

MR. RAIKES asked the Secretary of State for War, Whether Her Majesty's Government contemplate the establishment of a better system of retirement allowances for Adjutants of Militia, especially for those who were appointed before February 22, 1871?

MR. CAMPBELL-BANNERMAN (for Mr. CARDWELL) said: No general change is in contemplation with regard to the position of Adjutants of the Militia appointed before February 22, 1871. It is not intended in any way to disturb their position so long as they continue to discharge their duties. Under the Pay and Clothing Act, no adjutant under 60 years of age is en-

*The Earl of Kimberley*

titled to a retiring allowance unless he is invalided. An adjutant who has attained that age is entitled to a retiring allowance varying from three shillings to six shillings a-day, according to his length of service in Army and Militia. This is an addition to any half-pay to which he may be entitled.

METROPOLIS—CHAPTER-HOUSE,  
WESTMINSTER ABBEY—QUESTION.

MR. BAILLIE-COCHRANE asked the First Lord of the Treasury in the absence of the First Commissioner of Works, Whether it is intended to complete the Chapter House at Westminster, and to carry out the original design of filling the windows with stained glass, and restoring some of the paintings on the walls?

MR. GLADSTONE, in reply, said, that he could not at the present time give a complete answer to the Question of his hon. Friend. He could not say whether the representation implied in the question of the original design was a perfectly accurate one or not; but he would certainly admit that the present state of the Chapter House was incomplete, and therefore so far not satisfactory. But the question of the Chapter House, although the obligation of Parliament towards it might be considered distinct, was not altogether inseparable from that of the Abbey. The Dean of Westminster had recently made an explanation to him upon the subject of the Abbey in general, and all he could say to his hon. Friend was that when the Dean had sufficient time to make known to him the whole of his views the subject would receive the careful attention of the Government.

MERCHANT SHIPPING ACT—OVER-  
LOADING—THE "WESTDALE."

QUESTION.

MR. CARTER (for Mr. PLIMSOLL) asked the President of the Board of Trade, If his attention has been called to the case of the "Westdale," a large vessel which left West Hartlepool recently for Stockholm so excessively overloaded with railway iron that her scuppers were rather less than six inches only above the surface of the water as she was lying in the dock; and, if so, whether he intends to take any steps in the matter?

MR. CHICHESTER FORTESCUE in reply, said, that the Board of Trade had received no information respecting the vessel to which the hon. Member's Question alluded. It appeared that the crew did not make any complaint with regard to her being overloaded. Had they chosen to make any such complaint, they would have had a right to demand a survey; but, as they had omitted to do so, the Board of Trade had no power to stop the ship.

MERCHANT SHIPPING ACT.  
UNSEAWORTHY SHIPS—THE "DRUID."  
QUESTION.

MR. CARTER (for Mr. PLIMSOLL) asked the Secretary of State for the Home Department, Whether the Government intend to prosecute the owners of the "Druid" for sending that vessel to sea in a state which drew from the Court of Inquiry two expressions of their opinion that the owners were guilty of culpable neglect; and, if not, on what grounds they refrained from a prosecution?

MR. BRUCE in reply, said, that some time ago he had received from the Board of Trade a statement with reference to the *Druid*, and acting upon that statement, he had written to the Solicitor of the Treasury on the 11th of June last to direct that a prosecution should be instituted.

CRIMINAL LAW—THE FOLKESTONE  
MAGISTRATES—CASE OF "COLEMAN v.  
SMITHSON."—QUESTION.

MR. F. S. POWELL (for Lord CLAUD JOHN HAMILTON) asked the Secretary of State for the Home Department, If his attention has been directed to a recent decision of three of the magistrates of Folkestone in the case of James Coleman versus Olive Smithson and her mother; and whether, considering the apparent miscarriage of justice involved in their decision, he purposes calling the attention of the Lord Chancellor to the matter?

MR. BRUCE, in reply, said, that he had received various communications on this subject, including the depositions and reports of the magistrates, and it certainly did not appear to him that any case for his making a representation to the Lord Chancellor in respect to it

had been made out. The magistrates, in deciding the case, had merely exercised the discretion which they undoubtedly possessed, and he was not prepared to say that they had exercised that discretion unwisely. If the inhabitants of Folkestone believed that the magistrates had acted unjustly or had shown partiality or gross ignorance in the matter, they could themselves make a representation on the subject to the Lord Chancellor.

DRAINAGE OF LAND (IRELAND)  
ACT, 1873—DRAINAGE OF THE RIVERS  
SUCK AND SHANNON.—QUESTION.

MAJOR TRENCH asked Mr. Chancellor of the Exchequer, Whether it is a fact that an application from proprietors and others, in the country traversed by the River Suck, to form the districts liable to inundation from that river into drainage districts under the Drainage Act of 1863, has been refused by the Commissioners of Public Works in Ireland, acting under the direction of the Lords of Her Majesty's Treasury; and, if such is the case, whether he will state to the House on what grounds this application by parties to be permitted to improve their river and drain their lands, at their own expense, has been refused?

THE CHANCELLOR OF THE EXCHEQUER in reply, said, that the application referred to had been refused, upon the ground that the proprietors of the River Suck could only drain their land into the River Shannon, which could not be permitted until some scheme for the drainage of the River Shannon itself had been determined upon.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

PARLIAMENT—PUBLIC BUSINESS.

OBSERVATIONS.

MR. CAVENDISH BENTINCK rose to enter his protest against the mode adopted by Her Majesty's Government in reference to the Public Business of the House. One of the most important functions that House had to discharge was the voting of public money, and he had always understood the practice to be that Supply should be taken at those

times only when there was likely to be a good attendance of Members. Indeed, when he first had the honour of a seat in that House, it rarely happened that Supply was put down for consideration at a morning sitting, and he felt satisfied that if the late Mr. Joseph Hume were now in the House, his voice would have been heard condemning the practice. The result of the present innovation was, that the ancient constitutional right of hon. Members to bring forward grievances on going into Committee of Supply had been altogether abrogated on Monday nights. He wished to have an explanation of the reasons which had led to the adoption of a plan, whereby the power of independent Members to bring forward questions of public interest on the Motion to go into Committee of Supply had been so considerably curtailed. He protested against the practice of putting Supply upon the Paper at a morning sitting, and doing so without giving reasonable notice. He appealed to the hon. Member for Brighton (Mr. White) and other hon. Members below the gangway, who professed to be the economists of the present day, whether they approved the plan of discussing questions of Supply in a thin House, many hon. Members being prevented attending morning sittings by professional and commercial engagements. At the present time, taking into consideration the decrepitude of Parliament, he did not think it necessary to take the opinion of the House on the subject, but he must enter his protest against a most objectionable practice.

MR. GLADSTONE said, that whatever might be the decrepitude of Parliament, he was glad to see that there were no signs of decrepitude in the hon. Gentleman who had just addressed the House, and who seemed to regard the question which he had brought up as a very great grievance. A brief explanation would, however, put the matter in a light different from that in which the hon. Gentleman had presented it to the House. Much that the hon. Gentleman had said, he had heard with great satisfaction. For instance, he had expressed the deep feeling of regret, longing, and reverence with which he looked back upon the memory of Mr. Joseph Hume, and he (Mr. Gladstone) recognized the debt they all owed to Mr. Hume for the patient and valuable, though irksome, work

which he most ably and honourably performed in the service of the public. The hon. Gentleman then said there used to be no Order to take Supply at morning sittings, one possible reason for that being that at the time of which the hon. Member spoke there were no such sittings. The reason why Supply had been put upon the Paper was, that the Votes last night had not been taken after a certain hour, and had been postponed. The necessity for taking the Vote at present arose from the fact that the payment of money would be required at the beginning of next week, and it had been thought desirable that the money should be voted and paid regularly. The particular Vote was that relating to the Post Office Packet Service, from which would be omitted the item relating to the Zanzibar service, which had been referred to a Select Committee.

*Motion agreed to.*

#### SUPPLY—POST OFFICE PACKET SERVICE.

SUPPLY—*considered in Committee.*  
(In the Committee.)

(1.) £1,105,348, for the Post Office Packet Service; no part of which sum is to be applicable or applied in or towards making any payment in respect of any period subsequent to the 20th day of June 1863 to Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863.

MR. BOWRING asked, Whether it was not high time that the Notice which appeared on the Estimates, providing that no part of the Vote should be applicable to any claims which Mr. Churchward might have in regard to the contract entered into with him for the conveyance of mails, and bearing date the 26th of April, 1859, should no longer be printed?

THE ATTORNEY GENERAL said, it was necessary to keep the Notice on the Estimates so long as the action which had been commenced by Mr. Churchward was pending in the Exchequer Chamber. It was a precaution which

*Mr. Cavendish Bentinck*

was needed for the protection of the Executive Government and the public interest.

Mr. WHITE thought the House was indebted to Mr. Churchward for not withdrawing his action, as the continuance of the Proviso was a formal declaration of the undoubted right of the House to exercise its constitutional control over the Post Office Mail Contracts—a control which the right hon. Gentleman the Chancellor of the Exchequer had recently thought fit to treat with contempt. It was notorious that those contracts had been the occasion of much jobbery, much corruption, and needless expenditure. A part of the Vote—namely, £105,000, they were now asked to grant—that relating to the Cunard and Inman contracts, both of which were improvident contracts, made by the last Conservative Government—had been condemned by a Committee of the House, but retained for eight years in consequence of a technical difficulty due to a lack of vigilance and effective control by the House. He wished to know, whether the Postmaster General had given due Notice to the contractors of the termination of several of these contracts, with the view of rendering our ocean mail communication self-supporting; instead of, as now, carried on at a cost in excess of receipts of quite £500,000 per annum.

Mr. MONSELL said, it would be possible to a large extent, to get rid of the subsidies for ocean postage upon the termination of existing contracts; and to that end the Post Office had been steadily working, so that within the last two years a gross reduction had been effected to the amount of £45,000 and a net reduction to the amount of £34,000. With regard to pending contracts, notice had been given for the termination of the service between Point de Galle and Sydney, costing £13,000. Notice also had been given with regard to the Brazil and River Plate service amounting to £33,500 a-year; the West India service, amounting to £172,914 a-year; St. Thomas and Puerto Rico, amounting to £1,000 a-year. It was also intended to give notice to terminate the following contracts:—The United States service (Cunard line), which cost £70,000 a-year; the Inman line, £35,000, though neither of those could terminate before December 31, 1876; St. Kitts, Nevis, and Montserrat, £490; and other smaller

services. In point of fact, what was aimed at was to get rid of all postal subsidies except for the service to the East, with which it was impossible to dispense altogether. He thought, therefore, he had shown not only that he entirely agreed with his hon. Friend the Member for Brighton (Mr. White) as to the principles he had laid down, but that the Department had succeeded in effecting a considerable reduction, and would hereafter be able to make a much larger reduction.

Mr. SPENCER WALPOLE said, he objected altogether to the restriction contained in the words with which the House of Commons accompanied that Vote. It amounted to a declaration that, whatever might be the decision of a Court of Law upon a certain action brought against the Government, the House of Commons would prevent the Government from paying any compensation which might be awarded to the plaintiff. Such a Resolution was most objectionable. If the Government had a good defence, why not make it?

Mr. MITCHELL HENRY said, that as the right hon. Gentleman the Postmaster General had announced that the Post Office expected to make a considerable saving on contracts for the conveyance of foreign mails, he hoped that some of those savings would be devoted to the improvement of the inland postage service in remote districts, some of which in Ireland were now very ill-served.

THE CHAIRMAN reminded the hon. Member for Galway county (Mr. Mitchell Henry) that the question before the House was the Vote for the Post Office Packet services.

THE ATTORNEY GENERAL, in reply to the right hon. Gentleman the Member for the University of Cambridge (Mr. Spencer Walpole), said, the House of Commons, which voted the money, was perfectly justified in passing that annual Resolution, directing that the money should not be applied to that particular purpose. He knew nothing of the merits of the Churchward contract, but could not advise the Government to dispense with the condition.

*Vote agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.  
CLASS IV.—EDUCATION, SCIENCE, AND ART.

VOTE 11, PUBLIC EDUCATION (IRELAND.)

(2.) £452,222, to complete the sum for the Commissioners of National Education in Ireland.

THE MARQUESS OF HARTINGTON, in moving the sum necessary to complete the Vote for National Education in Ireland, said, the House last year had assented to an increase in the Vote, which would amount eventually to £100,000 for increased payments to Irish school teachers, chiefly determined by payments for results. Upon the whole, the increase had given great satisfaction to the teachers, and though he had not yet been able to lay on the Table the Report of the Commissioners of National Education for the past year, which would show the working of the new system, yet he thought he might say that, in the opinion of all the officers of the Board, the results so far had proved highly satisfactory. One difficulty had been experienced in applying the new system. Parliament thought that, while improving the pecuniary position of the teachers, it would be well to put them in a position of greater independence, and greater security of tenure. The grant to a manager of a school was, therefore, made conditional upon his entering into an agreement with the teacher, whereby the latter could only be dismissed after three months' notice or payment of three months' salary, unless upon sufficient cause shown; and the sufficiency of the cause was to be decided by the National Board. Considerable hesitation, however, was shown by school managers in signing that agreement. It was represented to the Government, and with much force, that the National Board were not a body calculated for the exercise of judicial functions, and that their decision must depend mainly upon the report of the Inspectors, who themselves were hardly competent to exercise such functions, not being able to examine witnesses on oath or compel their attendance. An alternative form of agreement was therefore agreed to by the Government, omitting all reference to the National Board, and leaving the teacher, in case of dispute, to his ordinary legal remedy, which would be before the Civil Bill Court, in

which the procedure was extremely rapid and cheap. Cases of summary dismissal of teachers were extremely rare in Ireland; but where they did occur, he thought the protection which was meant to be given to the teachers would not be in any degree impaired by the new form of agreement. This alternative agreement had been almost universally accepted by the managers, and the additional salaries payable to the teachers had therefore come into operation in almost every school in Ireland. The progress which had been observed for many years past in the number of schools brought into connection with the Board was still observable, the number now under the Board being 7,060, which was an increase of 130 for the year. There was one circumstance which interfered considerably last year with the efficiency of school instruction in Ireland. In the early part of 1872 the small-pox and other epidemics were very prevalent in Ireland, and many schools had to be temporarily closed, while in others there was a great falling off in the attendance. An unusually inclement season had also diminished the attendance of children. In spite of these influences, however, the decrease in the number of children on the roll was not very serious, amounting only to 11,000 out of 1,010,000, while the average attendance had been reduced by 3,000 out of an average attendance of 335,000.

SIR COLMAN O'LOGHLEN asked, whether any steps had been taken to provide the masters with a superannuation allowance when they became too old and too feeble to discharge their onerous duties, and with suitable residences? The noble Marquess, in bringing forward the Estimate last year, promised that it should be taken into consideration, and he hoped something had been done to promote so good and beneficent an object.

THE MARQUESS OF HARTINGTON said, it was necessary to be cautious, in making another appeal to the liberality of the House of Commons, but he had not lost sight of the points mentioned by the right hon. and learned Gentleman. The increased grant for the benefit of the teachers had been voted for a term of three years, and would cost £100,000 a-year, and the Government had expressed a hope that at the expiration of that time a larger contribution would

be forthcoming from local resources in aid of national education. When that time came, the questions now raised by the right hon. and learned Gentleman might properly be considered.

SIR FREDERICK W. HEYGATE thanked the noble Marquess and the Government for doing an act of justice to a deserving body of men, who would thereby be made more comfortable and more contented with their position. The diminished attendance referred to by the noble Marquess, in his opinion, was not only due to the causes mentioned, but in some degree to the decrease which had taken place in the population. He complained of the difficulty of properly considering the vote in the absence of the annual Report of the Board, and expressed his opinion that hereafter it would be impossible in Ireland to do without compulsory education.

Vote agreed to.

(3.) £555, to complete the sum for the Office of the Commissioners of Education in Ireland.

Resolutions to be reported upon *Monday* next;

Committee to sit again *this day*.

#### JURIES BILL—[BILL 35.]

(*Mr. Attorney General, Mr. Solicitor General.*)

COMMITTEE. [*Progress 5th June.*]

Bill considered in Committee.

(In the Committee.)

Clause 45 (Overseers and vestry clerks to present their accounts to the courts of revision.)

Amendment proposed, in page 14, line 6, to leave out from the word "Act" to the end of the clause.—(*Mr. Magniac.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

THE ATTORNEY GENERAL observed that the matter under discussion had been fully considered in the Select Committee, the large majority being of opinion that the amount being very small it would be better to leave it in this way—if these charges were removed from the local rates this should go with them, and if they remained local burdens, it should remain with them. He did not in the least complain of the disoussion

which had been raised, nor did he wish to commit the House to the expression of any opinion on a matter which might be said to be *sub judice*. What he proposed was, to follow the precedent set in the 63rd section of the Irish Land Act, where a number of duties were imposed on existing officers, and it was provided that any additional expense incurred should be paid by the Treasury "out of moneys to be provided by Parliament for that purpose." If that proposal were assented to, and if the Committee would pass the clause in its present form, he would take care on the Report to bring up another clause carrying out that view.

Mr. LOPES thought the hon. and learned Gentleman's present proposal was very satisfactory, and certainly much better than the original proposal to throw the expense upon the rates.

Question put, and agreed to.

Clause agreed to.

Clauses 46 to 49, inclusive, agreed to.

On the Motion of Mr. ATTORNEY GENERAL, Clause 50 *struck out* of the Bill.

Clause 51 agreed to.

Clause 52 (Jury in trials for murder to be of twelve).

THE ATTORNEY GENERAL said, that was the only matter on which he thought he should have occasion to trouble the Committee with any remarks. He proposed to amend the clause by adding, in line 28, after "jurors," these words, "of whom four shall be special and eight shall be common jurors." He would take that opportunity of remarking that the Bill, as it left the Select Committee, was, in his view, defective in one respect, and made certain alterations in the composition of juries in others. It did not provide what he had exceedingly at heart, that was, to ascertain the relative proportions of common and special jurors upon every ordinary jury. The Bill, as it left the Select Committee, did make this considerable alteration—it provided that so far as treason and murder were concerned there should be 12 jurors to try a case, but in other cases the number of jurors should be reduced to seven, and there were also some Amendments inserted on the subject of unanimity. He had not altered his own judgment



as to having the number of jurors fixed at seven in ordinary cases. He believed that that number would in general be quite sufficient, and the labour of jurors would be much lessened by reducing the number to seven. Twelve might be an ancient number, and people were fond of old associations and traditions; and it was all very well for hon. Gentlemen in that House, and for Judges, to say that they preferred that the number should be 12; but then those Gentlemen had not the liability to serve on juries. To his mind it was of great importance that juries should consist only of persons who were willing to undertake the duty, and that it should not be so burdensome that they would try to escape from it. He had, however, received so many communications from different quarters against any change in the number of 12 that he was disposed to give way. He had also solicited the opinion of the Common Law Judges, and had received from the Lord Chief Justice a statement that they were unanimously of opinion, and strongly so, that there was no cause for diminishing the number of jurors constituting a jury, and, further, that there would be an objection to having 12 for one kind of jury and seven for the others. That being so, and having also heard strong opinions expressed to the same effect from various other quarters, he had thought it better to yield the point, and therefore he should himself move to amend the Bill by striking out that part of it which proposed to reduce the number of jurors to seven. It was with considerable reluctance he had yielded this point, because he knew how irksome it was under the present system for so many jurors to be required to attend. He had, however, thought it better to give way in reference to this matter, which was not of itself of vital importance, rather than to risk the success of the measure. He had also communicated with the learned Common Law Judges on the subject of the unanimity now required of jurors in finding their verdicts, and he had ascertained that although they were themselves unanimous with regard to retaining the present number of jurymen on the jury, they were divided on the subject of the necessity of unanimity on the part of the jurors in finding their verdict. He did not disguise his opinion that the

time for requiring absolute unanimity on the part of jurors had gone by, and that it would be more reasonable to accept the verdict of a certain definite majority. It was not right that some unreasonable or ill-conditioned jurymen should have the power, by standing out against his 11 colleagues, to cause the whole expense of a protracted trial to be thrown away, or to enable a notorious criminal to escape from justice. Holding that view, therefore, he should take the opinion of the Committee upon the point, which, however, he did not regard either as being of vital importance to the Bill. He now came to a point which he had very greatly at heart, and on which, in his opinion, the value of the Bill very largely depended. In his view, it was most desirable that the special jury and the common jury elements should be represented in a certain definite and ascertained proportion on all juries. The main objections that he had heard raised against his proposition were these—that the different classes in this country would not like to be fused together in a jury-box; that there was a want of constitutional precedent for the proposed change; that the influence of the special jurors would dominate and overcome the freedom of will of the common jurors; that the result would be to create class antipathies in the jury-box, and that difference in the amounts paid to the jurymen would be to create an invidious distinction between them. The last objection he proposed to meet by rendering the payment to all jurors on each jury the same. As a matter of history, it was well known to every lawyer that up to 100 years ago all classes were fused together in cases where the sheriff was instructed to summon a “good jury,” an expression that was equivalent to our present “special jury.” The technical distinction between common and special jurors was a thing of yesterday, and during the last two or three years since the Act of the noble Lord the Member for Middlesex (Viscount Enfield) had come into operation, both classes of jurors had been placed on the same list, and in fact he had been informed by Mr. Erle, that on a recent occasion, in the Court of Common Pleas, for several days common-jury cases had been tried wholly, or almost wholly, by gentlemen who were special jurors. There was very high

authority in favour of the fusion of the two classes upon juries. The Common Law Commissioners reported in that direction in 1858; there was a similar Report in 1860; and the Judicature Commission in 1869 approved what had been said in the two previous Reports. It was true that those bodies had expressed themselves in favour of an indiscriminate admixture of both classes of jurors, but it would be found to work much better if a definite and ascertained proportion of each class were placed on the jury. In fact, it would be almost impossible to insure that there should be a fair proportion of each class on every jury, unless something else than mere chance were to be relied upon. For instance, in Kent there were 15,200 common jurymen and only 400 special jurymen; and how was it possible under such circumstances that the presence of even one special jurymen could be insured in each jury if the jurors were taken by chance from a general list? In St. Pancras the proportion of special jurors was still less. On the other hand, in the City of London, the greater proportion of the jurymen consisted of merchants, whose time would be utterly wasted if 12 of them were required to determine some small common jury cause. In order that the tribunal should be one which would be most likely to do justice between persons of all classes and engaged in every variety of business who might appeal to juries in order to the settlement of questions at issue between them, it was of great importance that there should be a definite proportion of jurors in civil and criminal cases, and in some criminal cases—cases of felony—it was necessary that they should, as far as possible, have the higher class of mind to investigate and discriminate on the evidence. The prisoner, in cases of felony, had the right to challenge any man being placed upon the jury to try him for such reasons as he might be supposed to entertain. It might be thought that in some cases prisoners should be tried by a particular class of men, but in a butcher's case it would not be desirable to have a jury of butchers. He could not think how there could be any objection to making the standard of the jury certain and definite, instead of taking the jury haphazard. It had been said there were objections to his proposal. Now, what were they?

It was not impossible to have definite proportions in the composition of the jury. A jury composed of classes it was said would be discordant; but why should it be supposed that men going into a jury-box should enter into it with discordant feelings? He thought that class tests should be given up. If they would look at the jury list of the parish of St. Pancras, they would see that juries were indiscriminately entered in that list. He found in a page which he now opened haphazard the name of a photographer, that of a butcher, that of an artist, and those of men of the grade of society from which special juries were drawn. It was generally agreed, he believed, that it would be desirable to have a mixture of classes in the ranks of jurors, and he wished to know, therefore, why the relative proportions of the different classes should not be definitely fixed so that there might be one regular standard, as far as that was possible of attainment. He did not for a moment believe in the assertion that the fusion of classes would tend to discord in the jury-box, for it was a general aspersion upon all society to suggest that a jury would fail to do justice between litigants simply because they belonged to different ranks in society. The experience of three years had shown that none of the evils anticipated from the course he suggested were in the least likely to arise, and therefore he moved to amend the section by inserting words to provide that in all trials of civil or criminal issues the jury should consist of 12 persons, of whom four should be "special" and eight "common" jurors.

Amendment proposed, in line 28, after "jurors," insert "of whom four shall be special and eight shall be common jurors."—(*Mr. Attorney General.*)

Mr. LOPES said, the question now before the Committee, as he understood it was, whether there should be composite juries, that was to say juries composed of mixed classes. Now, that was a most important question, and a proposal to which he was most decidedly opposed. The Bill had been most carefully discussed in a Committee upstairs, of which he had the honour to be a Member, and a division was taken on this question; and in his recollection of that division the hon. and learned Gentleman the Attorney General, who now brought for-

ward this proposal, stood alone; every single Member of that Committee voting against him. Those Gentlemen were almost all of them lawyers, who had had much professional experience of the working of the law and its administration in Courts of Justice. The Judges, too, had had some parts of the Bill submitted to them for the expression of their opinions. Why had they not been asked to pronounce upon that particular part of it? [The ATTORNEY GENERAL said, the Bill was submitted generally to the Judges, but they had not expressed an opinion on this part of it.] With regard to the question of "unanimity" in the verdict of the jury, the hon. and learned Gentleman said the opinion of the Judges had been taken, and that the majority of the Judges were opposed to any alteration. The number of which the jury should consist, and whether the jury should be unanimous were questions of great importance. He understood the hon. and learned Gentleman to say that he had abandoned his desire to reduce the number of juries. Now, on that question he might say that he had often himself, in that House, expressed his opinion that while in criminal cases the number should be 12; in civil cases it would be more convenient both to the jurors themselves and the public generally that the number should be seven. They had precedents for the smaller number in the constitution of County Court juries which consisted of five members; but as the hon. and learned Gentleman had abandoned his proposal to reduce the existing number of jurors he (Mr. Lopes) should not say anything more on that part of the Bill. He came now to the question of "unanimity" of juries in their verdicts, and he, for one, was in favour of unanimity, because he believed that its abolition would never give satisfaction. With regard to a single juror standing out and no verdict in consequence being come to, he believed it to be a very rare case, and there were occasions when the single juror was right. But of this he was quite certain, the necessity for that "unanimity" led to a thorough investigation and consideration of the case by all the jurors, which its abandonment would fail to secure. He was aware that it was said that unanimity was not required in the Scotch jury system; but in Scotland there was an intermediate

verdict of "not proven," which destroyed the analogy. With regard to the proposal of "composite" juries, he held that it was impossible that such a composition in a jury could give satisfaction. The hon. and learned Gentleman had said that, in his opinion, such a composition as he advocated would not cause discord among jurors, but he (Mr. Lopes) believed the contrary. And he would ask the hon. and learned Gentleman whether he himself had not seen cases where a *tales* had been prayed, and common jurors called into the box to make up a special jury, in which discord was manifested in their deliberations, the special jurymen taking one side the common jurymen the other? Take the case of an action to enforce farming covenants in a lease; was it likely the special jurymen and the common would entertain the same opinion? They might take other cases—that, for instance, of a gentleman and his tenant serving on the same jury. Was it not likely that the gentleman might exercise an influence on his tenant; that a good customer sitting on the same jury with his tradesman might also exercise some influence? He maintained that in the composition of such a jury they would have the elements of discord, and in many cases no verdict at all; and he was bound to say that, all through the profession the feeling was generally against the proposal of the Attorney General, which he hoped the Committee would reject.

Mr. ALDERMAN W. LAWRENCE said, composite juries were an innovation upon the constitutional doctrine that a man should be tried by his peers. If two classes were expressly empanelled upon a jury, in certain proportions, and if the four special jurymen were ticketed as men of superior intelligence, who were to enlighten the rest of the jury, the result must be antagonism between the two classes; nor would rating at £100 a-year be any sufficient test of the higher qualification which a special jurymen was supposed to possess. The real question was, did the present system of 12 men indiscriminately selected give confidence to the people that they would have a fair trial according to the laws of the country? He maintained that it did. In the case of the gas stokers, for instance, though there were complaints of the severity of the Judge and of the

state of the law; there was no complaint of the verdict of the jury. But if we did anything to weaken the confidence of the people in trial by jury we would damage the law itself. He hoped that the Committee would reject the proposal by so large a majority as to show that these theoretical or speculative opinions of professional men had no influence on the House of Commons.

MR. GATHORNE HARDY said, his hon. Friend who had just sat down seemed not to be content with the lawyers, even when they agreed with him. With respect to the retention of 12 jurors, he (Mr. G. Hardy) agreed in it, because it was a tribunal that had given satisfaction to the people. He thought the principle of unanimity should be retained; because in criminal cases there was no appeal; but if that unanimity was abolished, the right of appeal must be established. It would be far better to retain unanimity than to introduce the difficulties that must arise in the establishment of majorities. In civil cases the parties were able by consent to try with a less number than twelve, and that right should be retained. As to the composition of the jury, what he understood the hon. and learned Gentleman the Attorney General to propose was, that they should have two lists from which to select the juries—namely a common and a special list, and that eight should be taken from the common jury list and four from the special jury list.

THE ATTORNEY GENERAL explained that there would be but one jury list; but that the special jurors would be distinguished from the others by having the letter S attached to their names, or in some similar way.

MR. GATHORNE HARDY said, that was practically having two lists. But see what enormous hardships would arise from such a system. According to his hon. and learned Friend, in Kent there were 15,200 common; and only 400 special jurors; in other words, the special jurors were only in the proportion of one in 38 to the common jurors. Therefore, if four special jurors were chosen for eight common jurors, the former would have to serve 19 times oftener than the latter. Now, that was a great hardship, and very unfair. If a distinction such as that proposed were made, it would shake confidence in the

mind of the people in the tribunal. He quite agreed that the more mixed the general jury list the better, but the selection of the jury should be left to chance, and not to the officer of the Court; otherwise, if there was a division of eight to four it would be said that the four were the gentlemen's jury and the eight the common man's jury. We all knew what "good juries," meant in former times, and if the attempt was made now to get "good juries," it would be said that it was done in order to get "good verdicts," which very often would be far from satisfactory to the people.

MR. WEST was of opinion that if they were to have a jury selected from the different classes, the effect would be to shake all confidence in trial by jury. He was unable to understand how the hon. and learned Gentleman the Attorney General's proposal could be carried out, if the right of challenge was retained; because the four specials selected by the officer of the Court would in all probability be continually challenged. They were embarking by that Bill on a most dangerous course, and the Committee should well consider the proposition, before they adopted that which would destroy the confidence which now existed in trial by jury. They were trying to raise the standard of the jury; but in his opinion they were going too far. He had heard observations made about the poor man's feelings; one thing he would remark, that the poor man would not be "tried by his peers," but by a class above him; and if they did not take care in their legislation they would cause great injury. He wanted to know what was the object of this proposed change. Were the people of this country dissatisfied with the existing system of the trial by jury? He did not believe that they were, and he warned the House not to give way to such a proposed change as that now under consideration. It was already observed that the principle that the poor man should be tried by his peers was violated at present, and care should be taken lest dissatisfaction should be created in the poorer classes because they were tried by persons superior to them in wealth.

MR. GREGORY said, there could be no doubt they had arrived at a very important part of the Bill, and they should give it their most serious consideration.

With regard to criminal cases the feeling of the country was that the number of the jury should continue 12, as at present. He very much regretted that the hon. and learned Gentleman the Attorney General had departed from his original proposal, for with regard to civil cases, he (Mr. Gregory) was of opinion that a jury of "seven" would give satisfaction, and what the reason was for maintaining the number 12 he really could not understand. There was no doubt that there had been great scandals in the administration of justice from requiring unanimity in juries, the effect being to enable one or two obstinate men to stand out, and either to prevent a verdict being returned or enforce a compromise. He was of opinion that a jury of seven with a verdict of six would give general satisfaction as regarded the plan of mixed juries. With all respect for the hon. and learned Gentleman, he did not think that this scheme would work satisfactorily. He (Mr. Gregory) was in favour of maintaining the distinction between special and common jurymen, and he could not help thinking that in mixing the two classes together they would create feelings of jealousy, and that in many cases the higher class of jurors might use influence to induce the humbler class of jurymen to give a larger amount of damages than they might otherwise be disposed to award. There was another point connected with the subject which he wished to refer to. He was of opinion that in cases of murder the jurors should be selected from the special jury list. It need be remembered that there could be no reversal of the sentence in these cases after execution, and that they frequently turned upon circumstantial or scientific evidence of much nicety, and requiring much discrimination. The result was that an ignorant or incompetent jury was obliged to rely altogether upon the direction of the Judge, and the verdict became his instead of theirs.

MR. GOLDSMID thought the hon. and learned Gentleman the Attorney General would do well to consider the suggestions made as to the composition of his proposed jury class, and the method of selection of the jurors; for, as the right hon. Gentleman the Member for the University of Oxford had pointed out, if the mixed system were adopted special jurors would in Kent be called

upon to serve 19 times for every once that a common juror had to serve. This would aggravate many times the unfairness which was now complained of. Moreover, he (Mr. Goldsmid) saw no reason to alter the composition of the jury, for the tendency in this country at present was to raise the standard of education in the class from which common juries were selected; and that being so, there did not appear to him to be any occasion to change the form and character of the tribunal of trial by jury. He was inclined also to think it was often more through the fault of counsel than of the jurymen that the latter did not understand a case. He knew that in the county of Kent, common jurymen had shown that they understood the questions they had to try, and as to the hon. and learned Gentleman's remedy, it would be worse than the disease he spoke of. He felt that they would by the Bill create a class distinction which would produce bad effects, and he hoped for those reasons that the hon. and learned Gentleman would consider the recommendation of the right hon. Gentleman opposite the Member for the University of Oxford (Mr. G. Hardy) and consent to the clause being withdrawn.

MR. FLOYER was of opinion that if the clause were carried out it would be productive of great dissatisfaction. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) had given special reasons why the clause should not be accepted, and his suggestions were worthy of the serious consideration of the Committee. He (Mr. Floyer) did not see any necessity for raising the character of the jurors. His experience in quarter sessions had led him to the conclusion that the present juries were on the whole satisfactory. He took exception to the proposed change in the composition of juries, and considered that the hardship which the fixing of definite proportions of each class must impose on the special jurors would be intolerable, while the line of distinction which it was proposed to draw between the two classes must prove seriously detrimental to the interests of justice.

MR. WALTER was in favour of the standard of juries being improved, but not through the artificial method proposed by the hon. and learned Gentle-

man the Attorney General. He would put the matter to his hon. and learned Friend in this way. There was a great demand among certain classes of the people for the introduction of "working men" into the House. Nobody, he thought, would object to the presence of one or two working men in the House; but if it were proposed that a definite number, say 40 working men, should be Members of that House, could anything more fatal to such a scheme be proposed? Or suppose it was proposed that so many country gentlemen, lawyers, doctors, and merchants should be Members of that House, could anything be suggested more condemnatory of such a plan? He, therefore, hoped his hon. and learned Friend would not press the clause, which would force upon the Committee to say that there should be an artificial proportion of what was called the more educated class to the ordinary class of jurors.

THE ATTORNEY GENERAL said, he could answer the objections which had been made to the clause, but he would give way and not trouble the Committee. His fate before the Select Committee was to stand alone on the question, and it would seem that his fate had pursued him into the House itself.

Amendment, by leave, *withdrawn*.

MR. JAMES pointed out that since the hon. and learned Gentleman the Attorney General did not insist on the point, the object of the clause otherwise was already provided for by the Common Law, and he would therefore suggest that the clause, being superfluous, should be struck out.

Motion agreed to.

Clause struck out accordingly.

Clauses 53 and 54 *negatived*.

Clause 55 (Special juries to be of special jurors only).

MR. WATKIN WILLIAMS moved at the end of the clause the insertion of the words—

"Provided also, That the existing right of either party to pray a *talus* shall not be affected by this clause."

MR. MONTAGU CHAMBERS said, the proposed Amendment was unnecessary, since Clause 93 of the Bill already affected the same thing.

Amendment agreed to; words inserted.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. STAVELEY HILL moved its omission altogether, as its insertion would simply leave the law exactly where it was at present.

THE ATTORNEY GENERAL said, but for some clause of the kind the law would not stand as it did now.

MR. GATHORNE HARDY pointed out that an inconsistency would arise if the clause were passed, since the Committee had already decided that there should not be a composite jury of special jurors with common jurors without the consent of both parties. Supposing the hon. and learned Gentleman the Attorney General himself were to try the question with that Bill before him, and one of the parties prayed a *talus*. His hon. and learned Friend might then turn to the former part of the Bill and say—"You have no right to a special jury with a common juror upon it, without the consent of both parties. I, for one of the parties, do not consent."

THE ATTORNEY GENERAL said, the Bill enacted for the first time that the ordinary common jury should consist of both common and special jurors. That being the case, he had thought that it might be said—now that special and common jurors were to serve in turn together on the same jury, that the old special jury was abolished; and therefore the present clause was required.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 165; Noes 110: Majority 55.

Clause 56 *struck out*.

Clause 57 (Courts empowered to order the attendance of jurors).

MR. WEST pointed out that the plan of selecting jurors from the list alphabetically would in large counties like Yorkshire and Lancashire have the effect of causing great inconvenience. The present plan was the best, as it enabled jurors to be drawn from the neighbourhoods in which the cases were to be tried, instead of absolute strangers being drawn from distant points at great and unnecessary personal inconvenience.

MR. STANHOPE agreed with the last speaker, and pointed out that in Yorkshire, the county from which he came, the operation of the hon. and

learned Gentleman the Attorney General's proposal would produce endless confusion and inconvenience.

THE ATTORNEY GENERAL said, that even in large counties like Lancashire and Yorkshire there was but one Sheriff and one jury list, and he presumed that if his proposal was acceded to the particular jurisdictions would, as now, be carefully attended to.

MR. ANDERSON said, that the hon. and learned Gentleman the Attorney General had dropped out of the Bill almost all of its provisions as far as they had gone, and in order to enable the Government to consider the propriety of dropping the measure altogether, he would move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again." — (*Mr. Anderson.*)

THE ATTORNEY GENERAL opposed the Motion.

MR. LOPES hoped the Motion would not be pressed. There yet remained in the Bill excellent machinery for regulating the incidence of service upon jurors, and he hoped it would be proceeded with.

MR. ANDERSON said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. ASSHETON CROSS agreed with the hon. and learned Member for Ipswich (Mr. West), that, under the Bill as it stood, considerable hardship might be inflicted on jurors in Lancashire and Yorkshire.

MR. LOPES expressed a hope that the machinery to be used in summoning jurors would be so constructed that the anticipated hardship might be avoided.

THE ATTORNEY GENERAL reminded the Committee that the question did not arise under the clause they were considering.

MR. WEST said, that when he drew attention to the subject the other evening, he was told by the Attorney General that the question could be best considered under the present clause.

MR. ASSHETON CROSS observed that if better machinery than that proposed by the Bill were not provided, there would be so much dissatisfaction

created by the measure that it would have to be amended next year.

MR. PHILIPS hoped that the hon. and learned Gentleman the Attorney General would take the suggestion thrown out by hon. Members into consideration.

MR. STANHOPE said, that under the Bill the three Ridings of Yorkshire would be treated as one county.

THE ATTORNEY GENERAL said, that such was certainly not intended to be the case. He would take the entire question raised into consideration so as to secure that the system of rotation might not in operation involve the hardship or inconvenience which hon. Members seemed to apprehend, but which he failed to see that it could. If any plan could be devised by which the issues to be tried at a particular place should be tried by juries drawn from around that place he should be glad to accept it.

MR. RYLANDS remarked that the entirely new system introduced by the Bill would be felt most onerous in its application to that part of the country with which he was connected, and would make the Government very unpopular.

MR. FLOYER called attention to the fact that this question would be naturally raised on the 65th section, which provided that the summoning officers should take the names as they appeared in rotation on the list. If the Committee discussed subsequent clauses beforehand, and then discussed them afterwards all over again, the House might sit till next year.

Clause agreed to.

Clauses 58 to 60, inclusive, agreed to.

Clause 61 (Cause may be made triable by special jury by order).

MR. GREGORY moved in page 17, line 29, at end add—

"and further, that the court or a judge in such case as they or he may think fit, may order that a special jury be struck according to the practice in force before the passing of 'The Common Law Procedure Act, 1852,' and such order shall be a sufficient warrant for striking such special jury and making a panel thereof for the trial of the particular cause."

A case of considerable importance might arise in which it might be desirable to have some commercial men upon the jury, and there might be no such men in the panel, and a discretionary power ought to be given to the Judge to strike

*Mr. Stanhope*

a special jury under the old system in such an event.

MR. LOPES hoped the Amendment would be agreed to. The old process was preserved in the Act of 1870, and there could be no objection raised to it, as it could only be carried out, under the proposed Amendment, by leave of the Judge.

THE ATTORNEY GENERAL thought it would be useful to preserve the power and therefore had no objection to the Amendment.

Amendment agreed to.

Clause, as amended, ordered to stand part of the Bill.

Clauses 62 and 63 agreed to.

Clause 64 (Jurors to serve in other courts than those for which they were summoned).

MR. GREGORY moved in page 18, line 15, before "Every," insert—

"No juror summoned in any civil cause shall be required to attend upon his summons for more than two consecutive days unless he shall have been sworn and empannelled upon some jury for the trial of a cause."

He was not anxious to keep to the two days; they might be two or three; but he thought a man ought not to be kept day after day without being empannelled. Unless he was empannelled within a reasonable time the juror should be discharged.

MR. LOPES thought such an Amendment would be very desirable, if it could be carried out, but there would be great difficulties in its way. If the Amendment were adopted and the first case in the list lasted for two whole days the Judge might find himself without a single juror left to try the remaining cases. The question was one which ought to be left to the discretion of the Judge and the associate.

THE ATTORNEY GENERAL said, he could not assent to the Amendment.

Amendment negatived.

Clause agreed to.

Clause 65 (All jurors to be summoned by the sheriff only).

Motion made, and Question "That the Chairman report Progress, and ask leave to sit again;"—(Mr. Aissheton), put and agreed to.

House resumed.

Committee report Progress; to sit again upon Monday next.

And it being now ten minutes to Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### CHURCH RATES (SCOTLAND).

##### RESOLUTION.

MR. M'LAREN, in rising to move—

"That the levying of local rates and assessments on lands and houses for the erection and repair of Churches and Manses in Scotland, for the supposed benefit of a minority of the population, is unjust in principle, and the cause of great dissatisfaction amongst the people; and looking to the hopes held out by the Government on the subject, this House is of opinion that a Bill should be introduced by the Government during the present Session of Parliament, to remove the existing grievance."

said, that the Motion of which he had given Notice was to the effect, that the House was of opinion that Her Majesty's Government should during the present Session introduce a Bill for the abolition of rates for the building and repair of churches and manses in Scotland. He should like the House to understand that the people of Scotland were asking no peculiar privileges. Similar rates were abolished in Ireland a very long time ago, and in England they were abolished within the last few years. In England, the rates were not exactly abolished out and out, but the power of distraint in order to compel their payment was taken from the Church. In like manner, all the people of Scotland desired was to be placed on a footing of equality with their English brethren; not that church rates should be peremptorily abolished by Act of Parliament, but that the power of distraining for church rates should be abolished. The people of Scotland thought that in all parts of the Empire equal justice should be done, and that what was found a good law for England could not possibly be found other than a good law for Scotland. There was a distinction to be drawn between the church rates as they were levied in England and church rates levied in Scotland—namely, that although in England the burden of



the church rates fell upon land, yet they were, in the first instance, paid by the occupiers. In Scotland, the rate was not disguised in that manner, because it was directly payable by the landowner. The hon. Member having read a Petition of the Synod of the United Presbyterian Church of Scotland, was proceeding, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock till Monday next.

## HOUSE OF LORDS,

Monday, 30th June, 1873.

MINUTES.]—PUBLIC BILLS—*First Reading*—Canada Loan Guarantee\* (183); Court of Queen's Bench (Ireland) (Grand Juries)\* (184).

*Second Reading*—Government of Ireland (147), *negatived*; Crown Private Estates (175); Marriages (Ireland) Legalization (94).

*Select Committee*—Pollution of Rivers (55), The Earl of Aberdeen *added* in the place of The Earl of Lauderdale.

*Report*—Agricultural Children (165-185); Local Government Board (Ireland) Provisional Order Confirmation (No. 2)\* (177).

### ARMY—RECRUITS.

#### PERSONAL EXPLANATION,

THE DUKE OF CAMBRIDGE: My Lords, before you proceed to the Business on the Paper, I beg that you will permit me to make a statement of a somewhat personal character. I am the more anxious to do so, because I think that in the interest of the public service it is right that no false impression should be allowed to exist for any length of time respecting any matter which affects the efficiency of such an important branch of the public service as that of the Army. Personally, a high official like myself feels some discomfort, when anything is publicly stated of a questionable character in his Department which is not explained as soon as possible. Under these circumstances, I venture to throw myself upon your Lordships' consideration, whilst I as briefly as possible state to your Lordships what really has occurred, and how far I am

mixed up with it. Some little time ago the noble Duke (the Duke of Richmond) moved for Returns of chest measurements of soldiers recruited since 1870. That Return has since then been presented to your Lordships, and you have had it, no doubt, in your hands. A few days ago a letter appeared in one of the newspapers, in which reference was made to that Return, and a question regarding it has been asked in "another place." From that letter, and from what has occurred in the other House, it would appear that the Return had been designedly prepared, with the object of creating a false impression in this House and before the country. I do not for a moment suppose that any of your Lordships or the country imagines that I, or any officer in my Department, would wilfully put forward any erroneous Return; and I think, when I explain the circumstances, your Lordships will exculpate me, and the officers acting under me, of any intention of doing anything beyond carrying out the wishes and directions of this House. The preparation of all military Parliamentary Papers rests with the Adjutant General's department, and a branch of that department, under the authority of the Inspector General of Recruiting, was directed to prepare the Return. Several of the points connected with this Return were of sufficient importance to be referred to me, and I urged that no delay should take place in its preparation. The Deputy Adjutant General, General Armstrong, a most efficient and zealous officer, on whom, in the absence of my gallant Friend, Sir Richard Airey, the whole duties of the Adjutant General's department have for some time devolved, came to me one morning, and incidentally stated that in preparing the Return it had been found that several regiments had put down under one column, as not coming up to the proper measurement—men who, in his opinion, ought to have been given under another, because, as far as the records showed, they were of the proper measurement. He thought it incorrect that they should be returned as under regulation chest measurement, and for that reason he did not consider the Return as accurate. It was certainly irregular that men should have been passed as being of the regulation chest measurement who were now returned as not being so, and I at once said that if

Mr. M'Laren

the Regulations had been properly carried out, I did not know how such a thing could have occurred, and that it was only fair and right that the Return should be prepared according to Regulations. From this, it followed that if the Regulations had not been observed, the Return could not be handed in, except with explanations. In fact, I never contemplated that officers when called upon to carry out the Regulations, should be asked to sign anything but what was strictly in accordance with them. Now, when recruits are enlisted—and I presume the reference is entirely to that—they are measured by the superintending officer in the presence of the medical officer, and that measurement has to be verified by the field officer in charge of a recruiting district. When the latter is satisfied that the two officers have taken the proper measurement, it is inserted in pencil on the attestation paper, which is sent down with the recruit to his regiment, and it is the duty of the commanding officer of the regiment to verify the measurement. If the recruit does not come up to it, he is bound to report it for my information, and to ask whether the man is to be retained; so that it will be seen that it is the commanding officer, and not the surgeon, who would be held responsible for the measurement. The Regulations require a special report of any deficiency in chest measurement to be made to the Adjutant General, for submission to the Commander-in-Chief as to the final disposal of the man. Nothing can be clearer than the Regulations; yet it appears that the men to whom reference is now made have been sent to regiments, and that the regiments now do not accept the chest measurement sent down with them, but have never reported the circumstance to the Recruiting department or the Adjutant General. Here, I venture to say, a great mistake has been made. I think I can assure your Lordships that nothing more than a mistake has been made. I do not think that there is any reason to suppose that intentional misrepresentation has been attempted; I do not believe that it is anything more than an ordinary office mistake. When the matter was brought to my knowledge, I certainly understood it was only a few men who had been irregularly accounted for in that way, and when, therefore, the Deputy Adjutant General told

me he thought it was only fair they should be returned as of the proper measurement, on the ground that it was only just and according to common sense that men who might have been two years with regiments, without their measurements having been questioned, should not be disturbed, I acceded to it; but it was never expected or intended that officers should be asked to sign an incorrect Return, and if any officers chose to say men were not of the proper measurement of course it was our duty to inquire into it. It turns out, however, that a considerable number of men are of a different measurement from the proper one. I never saw the Return or the Circular that went out in my name on the subject, and I never intended any Circular to go out. I thought it was a mere ordinary correction, which must frequently occur in an office. Had I been aware how the Return was prepared, I should not have authorized what has been done. As it is, I must throw myself on the indulgence of your Lordships and the country. It is utterly impossible for the Commander-in-Chief to have knowledge of every detail, and until I saw the letter I had not the remotest suspicion that there was anything wrong in the Return. To show your Lordships how very delicate this measurement is, I may mention that I have seen a letter from the surgeon of a regiment, who says that in measuring recruits he is careful to get the minimum circumference of the chest, and measures after expiration, and before inspiration has commenced, and he always finds his measurement less than that pencilled on the attestation sheets by two, three, and sometimes even four inches. When measurements are reported as incorrect, we invariably send down and verify them; but if officers do not report, and do not attend to the details which ought to regulate these proceedings, an unfortunate mistake of this sort may occur. So far as I and the officers who made the Return are concerned, there was no intention of doing anything but what was in accordance with the facts, with the Regulations, and with the objects of the noble Duke in asking for the Return. I hope you will permit me to add, that if there is any subject which would specially attract my attention it is recruiting. Whenever recruiting is bad nobody is so immediately interested in

the matter as the Commander-in-Chief, and I should be the last man to approve men being allowed to enlist who are not what they ought to be.

THE DUKE OF RICHMOND: My Lords, I am certain that you have all listened with much satisfaction to the straightforward statement just made by His Royal Highness. It is only what might have been expected from His Royal Highness, and it is not necessary for me, therefore, to say anything with regard to that statement. The subject to which the illustrious Duke has referred is, however, one of very great importance, and one upon which I should like to have an opportunity of saying a few words; but as no Notice has been given of the introduction of the subject, it is proper for me perhaps that I should give Notice that I shall to-morrow evening call attention to the Return respecting ohest measurements which I have moved for.

#### GOVERNMENT OF IRELAND BILL.

(*The Earl Russell.*)

(NO. 147.) SECOND READING.

Order of the Day for the Second Reading, read.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Earl Russell.*)

[No noble Lord rising to address the House, the LORD CHANCELLOR put the Question, and declared that The Not-Contents have it. But it immediately appeared that Earl Russell had intended to make his address to the House on the Question and not on proposing the Motion, and was unconscious that the Question had been put and *negatived*. The proceeding was, by general consent, treated as a nullity, and is not entered on the Minutes or Journals of the House.]

EARL RUSSELL said, he wished their Lordships to consider seriously, not so much the Bill he had introduced, as the question to which it related. In 1851 he brought into the House of Commons a Bill for the abolition of the Lord Lieutenantancy of Ireland, and the transfer of the duties to a Secretary of State, a measure which was supported by Sir Robert Peel and other distinguished men. The arrangement which then existed, dating from the Union, was that the Lord Lieutenant communicated with the Cabinet, especially with the Home Secretary, as

to the state of the country, and the measures which appeared necessary. Afterwards an arrangement was made by which the Chief Secretary to the Lord Lieutenant communicated with the Home Secretary. That Sir Robert Peel described as a very clumsy arrangement, for it gave the Chief Secretary, who was naturally and properly a subordinate of the Lord Lieutenant, the power of consulting his Colleagues in the Cabinet, and in fact of transmitting orders to his superior. Moreover, the duty which would be performed by a Secretary of State in England, and which should be performed by a Secretary of State in Ireland, was not performed at all. In August last a riot occurred at Belfast in which 152 persons were wounded and received hospital treatment, one of the constabulary being killed and 73 members of that force wounded, 12 of them very seriously. Upwards of 250 houses, moreover, were wrecked or injured, 257 persons claiming compensation to the amount of £14,000, and 987 families were compelled by force to leave their dwellings. These facts were stated at the Assizes by Mr. Justice Lawson, who went on to say—

"Now, I have no hesitation in stating that this meeting constituted an unlawful assembly. A great number of men marching in procession, many of them armed, carrying disloyal and treasonable emblems, is calculated to create terror and alarm, and is an unlawful assembly, even though there be no opposing force with whom there may likely be a collision. It was the duty of those charged with the preservation of the public peace to take steps to prevent this procession from marching, to require them to disperse, and, if necessary, to disperse them, and to arrest the ringleaders and bring them to justice. This procession was, nevertheless, allowed to take place; it met at Carlisle Circus; its character was then apparent; even there, at 10 o'clock in the morning, the first indications of riot presented themselves; stones were exchanged between the processionists and those of the Protestant party. Nevertheless, the procession was allowed to march to Hannahstown. A meeting was held there; fire-arms were frequently discharged, and one man lost his life by the accidental discharge of a pistol, according, at least, to the verdict of a coroner's jury; and this armed body of seditious persons was allowed to return in the evening to Belfast, to parade their emblems of disloyalty, and to flaunt their banners before the eyes of the loyal and well-affected subjects of the Queen. In the evening, on its return, an engagement took place. The spirit of evil was thoroughly roused, and then arose a series of riots and battles which raged for several days."

Mr. Justice Lawson added that the assembly was unlawful at common law,

*The Duke of Cambridge*

and that if, at the moment its unlawful character was placed beyond a doubt, it had been dispersed and the ringleaders arrested, the riots would not have happened. The omission to take this course was a serious neglect of duty. In England such a procession would have been dealt with summarily and by way of precaution. The parties intending to take part in it would have been warned that the proceedings were unlawful, troops would have been sent to prevent the procession, and the leaders would have been arrested and held to trial. That was the course pursued when he (Earl Russell) had the honour of being Home Secretary and the late Lord Campbell was Attorney General. Orders were sent to General Sir Charles Napier, who was commanding officer in Lancashire, where an illegal procession and riot were apprehended. Both were prevented. Sir Charles Napier told him afterwards that he always on such occasions ordered out twice as many troops as might be required. Had that been done at Belfast, the embittered feeling and the great mischief which followed the riots to which he referred would have been prevented. Had such a riot occurred in England, caused by similar neglect of duty on the part of the Home Secretary, loud complaints would have been made. He knew no greater duty of a Government than that of protecting life and property, and it was a serious thing if the Government of Ireland were unable to discharge that duty, and viewed it with indifference. He believed, therefore, that the substitution of a Secretary of State for the Lord Lieutenant would be a much more effective and satisfactory way of dealing with Ireland. Another evil prevalent in Ireland was the difficulty of convicting persons for murders and agrarian offences. In many cases the criminals could not be traced, and even when they were brought to trial there were generally on the jury one or two of their near connections and friends, who took care that there should be such disagreement that the offenders escaped conviction. In a recent case a man who, in the opinion of persons of sound and temperate judgment, was a murderer was acquitted, and immediately went off to America, though he believed it was not true that the Government gave him the means of doing so. In the clearest case of assassination there was very little

chance of obtaining a unanimous verdict, and in one case a Judge, convinced by the evidence that two women had been guilty of murder, proposed to the jury to find them guilty of manslaughter. That conviction was secured, and they were sentenced to penal servitude for life. He proposed in his Bill that, when a jury tried a case which was not capital, the verdict of eight jurors out of the 12 should be sufficient. Certainty of punishment was far more effective than severity of punishment. There was also the question of education in Ireland, which required the attention of the Imperial Parliament. There was, in his opinion, no longer in Ireland that wholesome system of education which used to prevail. For instance, it was well known that the Protestant and Roman Catholic Archbishops of Dublin, Dr. Whately and Dr. Murray, agreed as to the piety and utility of certain books for the use of children; but the Board of Education had since excluded those books, and, according to Dr. Macaulay's *Ireland in 1872*, the whole power was vested in Cardinal Cullen and those who followed him, while, instead of books of a pure and simple religious character, many of the books used were pervaded with the grossest superstition. So far from wishing the Education Commissioners to retain office, he believed it would be a great blessing to Ireland, and more especially a blessing to England, if they all resigned. He had no doubt, as urged in defence of his vote by a Friend of his, the Chief Baron, that the Board had always replaced a parish priest who had been manager by another parish priest without inquiry, but such precedents involved the management of schools not by the men best fitted to be managers, but by the men whom the Roman Catholics deemed fittest to be priests. It was not the business of Parliament to consider who were fit to say mass, but when voting £400,000 from the money of the three kingdoms for Irish education they were bound to inquire who were fit persons to receive that money. One man might be fittest for parish priest and another for the management of a school. He proposed that any person who thought himself wronged might appeal to the English Committee of Council on Education. He next came to the question whether the Government of Ireland as at present conducted was a fit

Government for the Queen of England. His conviction was that it was a Government conducted entirely according to the orders and inspiration of the Roman Catholic Church. He did not regard that as a proper Government, and he therefore proposed to declare that no Pope, or any other foreign Sovereign, had any jurisdiction in these realms. Some of the opinions recently expressed by Irish Judges were not reconcilable with the English law. He did not believe any Papal Bull or Rescript could over-ride that justice to which every subject of the Crown was entitled. He thought his Bill would give Ireland a better Government than it now possessed. The Irish were distinguished by their love of justice and their strong sense of religion, but these good qualities had been perverted by the Government, whether conducted by the Lord Lieutenant or by Roman Catholic clergymen, and he wished to apply the principles which had long prevailed in England. He did not believe the badness of the Government was owing to the anarchy and disorder of the people. Compare it with the sister country, and they would find that Andrew Fletcher, writing in 1678, gave this description of Scotland—

"There are at this day in Scotland—besides a great many poor families very meanly provided for by the church-boxes, with others, who by living upon bad food fall into various diseases—200,000 people begging from door to door. These are not only no way advantageous, but a very grievous burden to so poor a country. And though the number of them be perhaps double to what it was formerly, by reason of this present great distress, yet in all times there have been about 100,000 of those vagabonds, who have lived without any regard of subjection either to the laws of the land or even those of God and nature. . . . Many murders have been discovered among them; and they are not only a most unspeakable oppression to poor tenants—who, if they give not bread or some kind of provisions to perhaps 40 such villains in one day, are sure to be insulted by them—but they rob many poor people who live in houses distant from any neighbourhood. In years of plenty, many thousands of them meet together in the mountains, where they feast and riot for many days; and at country weddings, markets, burials, and other the like public occasions, they are to be seen, both men and women, perpetually drunk, cursing, blaspheming, and fighting together. These are such outrageous disorders that it were better for the nation they were sold to the galleys or West Indies than that they should continue any longer to be a burden and a curse upon us."

*Earl Russell*

The Scotch were now a moral, industrious and peaceable people, and that was largely owing to the wise measures adopted by statesmen in former times. Lord Chatham took care that £1,500,000 should be laid out without repayment in improving the roads of Scotland; but in Ireland large tracts of land were still annually flooded and their productions destroyed. In the case of Ireland, Edmund Burke and Henry Grattan had pointed out how Ireland should be governed; their suggestions, however, were treated with contempt, and he feared that if other great men were to recommend a similar policy their proposition would be regarded with the same indifference. He would, notwithstanding impress upon the Government the necessity of carrying out the recommendations of those eminent men, for unless a wise policy were extended to Ireland, it would never attain the peace and prosperity which it was capable of enjoying.

THE EARL OF KIMBERLEY rose to speak; but was called to Order by

THE EARL OF LONGFORD, who remarked that though the noble Earl who had introduced the Bill had, by the indulgence of the House, made an interesting statement, the Bill had previously been negatived, so that there was no Question before the House.

EARL GRANVILLE, admitting that the Question was put without the noble Earl (Earl Russell) being quite aware of what was going on, thought the discussion should be allowed to proceed.

EARL STANHOPE concurred in this, but wished Questions were put with a little more deliberation. On Friday night he was himself precluded from saying a few words in reply by the Question being put before he had an opportunity of rising.

THE LORD CHANCELLOR disclaimed any desire of putting the Question prematurely. As no Peer rose to speak he was bound to put the Question, but he did so as slowly as he could, and delayed as long as possible before saying "The Not-Contents have it."

THE DUKE OF RICHMOND could quite confirm what the noble and learned Lord had just said. He had never heard the Question put with more deliberation. He agreed with the noble Earl (Earl Granville) that the noble Earl (Earl Russell) was probably unaware of what

was occurring, and, considering the position he held, it would have been wrong to take advantage of that circumstance. He hoped, therefore, the discussion would proceed.

THE EARL OF KIMBERLEY remarked that the noble Earl had commenced his speech by calling attention rather to the general state of Ireland than to the provisions of his Bill; but he (the Earl of Kimberley) proposed to direct his observations principally to the latter, for it was easier to point out evils in any Government than to propose satisfactory remedies. Indeed, his noble Friend had seemed conscious that the Bill was scarcely one which Parliament could accept; at all events, in its present shape. Beginning with the first portion of the Bill, he must deny that the Government of Ireland was dictated to by the Roman Catholic Church. It was vaguely said that Cardinal Cullen exercised too much influence on the Government of Ireland, an expression which might mean a great deal or very little. It might mean that particular measures taken by the Government might be too much in the interest of the Roman Catholic population; but the noble Earl should not have made such an accusation in that House without specifying the instances in which he deemed that the Government had not done its duty, in order that their Lordships might have had a better opportunity of judging whether there was any truth in the allegation. The noble Earl's remedy was a declaration that neither the Pope nor any other potentate had or ought to have any jurisdiction in this realm. Those were familiar words, which many of their Lordships had repeatedly uttered at the Table; but it could not be supposed that that form of oath, now abolished, made the Pope's authority, direct or indirect, less or more than it otherwise would have been. The law forbade the interference of any foreign authority, and no declaration was needed to make the fact clearer. Whether it would be a message of peace to Ireland, and would be likely to conduce to good government, might be a question; and that would be a singular time to make the declaration, when the Ecclesiastical Titles Act, which his noble Friend was chiefly instrumental in passing, had been recently repealed, because it had been found that declaratory laws of that kind, though

easy to pass, were not of much effect. Turning to the more practical part of the Bill, he admitted that there were arguments of considerable strength in favour of the abolition of the Lord Lieutenantancy, but there were arguments which could not be overlooked on the other side. As his noble Friend had said, the proposition was not a new one, for it had been before the other House some years ago, when it met with some considerable degree of favour. His noble Friend's chief argument had been that riots would be better put down without a Lord Lieutenant; but he had always understood that the presence of a Lord Lieutenant in the country admitted of greater promptitude in dealing with riots. The argument of his noble Friend was not the strongest that might have been adduced in favour of his proposal. He might have recommended the measure on the ground of the incongruity of a high officer at Dublin with a nominal subordinate, but real superior—if the Chief Secretary was a Member of the Cabinet—and also on the ground of drawing England and Ireland more closely together. He submitted that a measure of this kind, which proposed to effect a very considerable change in the system of the administration in Ireland, should be introduced on the authority and on the responsibility of the Government of the day. It was impossible for Her Majesty's Government to accept the measure. He must further say that whenever the subject should be undertaken—if it ever was—various other measures would have to be introduced also. The Bill of his noble Friend went on to propose very serious changes in the present system of administering justice in Ireland. It was unfortunately the case that occasionally great crimes escaped unpunished in Ireland; but he did not think that the proposal of his noble Friend would remedy the evil. Offences which the law of the land ranked next to murder his noble Friend proposed should by some contrivance be reduced in degree and punished with penal servitude, and that convictions in such cases should be obtained by taking the verdict of the majority. He submitted that such a proposal, if adopted, would be equivalent to the abolition of capital punishment altogether. He could not understand why juries were likely to be

unanimous in cases involving capital punishment, and yet were not likely to agree in cases involving a lesser punishment. There were many difficulties in the way of carrying out his noble Friend's proposal. Unfortunately, in Ireland the population was divided by a very marked line into Protestants and Roman Catholics, and a case in which a conviction was brought about by means of a Protestant or a Roman Catholic majority on a jury would lead to great dissatisfaction, and possibly to great danger. He did not believe that it would be possible to get a jury to do their duty under such circumstances. At the same time, the proposition to take the verdict of the majority deserved serious and fuller consideration. In deciding, however, upon the question it must be recollected that very strong excitement sometimes existed in Ireland in reference to certain particular crimes, and in such cases it would be exceedingly difficult to get a jurymen to expose himself by giving a verdict in favour of a conviction. It was, however, only just to say, as regarded Irish jurymen generally, and the administration of the law in Ireland, that with regard to ordinary crimes they did their duty admirably, and that it was only in the case of a certain class of crimes, where, owing to the peculiar social condition of the country, the feelings and passions of the people were enlisted on the side of the criminal, that there was any difficulty in obtaining a conviction where the guilt of the accused was satisfactorily established. The last subject with which the Bill of his noble Friend dealt was that of education, and he must confess that his noble Friend's suggestions did not commend themselves favourably to his mind. His noble Friend said that there was great reason to be dissatisfied with the conduct of the present Commissioners of Education in Ireland, and he passed upon them a sentence of very severe condemnation, such as honest and upright men, as the Commissioners undoubtedly were, did not deserve. Even admitting that all that had been urged against the Commissioners in reference to the O'Keeffe case were quite true, and that the Commissioners had erred in their judgment, he should submit to the House that those gentlemen had not deserved the censure which his noble Friend had cast upon them. The Commissioners had held an

important position for a considerable time, and they had had to deal with difficulties of which but few of their Lordships could form an idea. Under their management the system of national education in Ireland had attained great success, and the public were much indebted to the men who, by means of a considerable expenditure of their own valuable time, themselves being unpaid, had reduced the system into such good working order. It was, perhaps, possible to conceive a system under which grants of money for the purposes of Irish education might be made direct from the Privy Council in London. Whether or not Ireland would willingly sacrifice her present system of separate national education might be doubted; but he felt quite sure that nothing could be worse than to have a body in Ireland administering such grants subject to the authority of the Privy Council in London, because the two authorities were certain to clash, and the authority of the body in Ireland would be so impaired as to render it powerless for good. Therefore, their Lordships would be just as indisposed to adopt that last proposal of his noble Friend as they would be indisposed to adopt his previous suggestions. His noble Friend had said that more weight should be given to the opinions of distinguished Irishmen with regard to the government of Ireland than had hitherto been the case, and in that view he (the Earl of Kimberley) entirely concurred. He was, however, convinced that if any Irishman like Burke or Grattan were to come forward, speaking with the eloquence and the authority of those great men, they would at the present day command the attention of Parliament and of the country. Ireland had no cause to complain that England had neglected her interests during the past few years. We had done our best sincerely and honestly to administer the affairs of Ireland impartially, and he trusted that the time was coming when the wishes of his noble Friend with regard to that country would be fulfilled, when she would feel better disposed towards this country, and the Three Kingdoms would be perfectly united. Indeed, the Government had reason to believe that much improvement had already taken place in Ireland in consequence of recent legislation.

*The Earl of Kimberley*

EARL GREY said, that though he had long agreed with his noble Friend (Earl Russell) that the office of Lord Lieutenant for Ireland should be abolished, still he very much doubted whether that Bill was the proper mode for effecting that object, and, secondly, whether that time was the best for making the change. He would suggest whether it would not be a good arrangement if, instead of abolishing the office of Lord Lieutenant, they were to confer the office upon the Heir Apparent to the Crown; but, of course, Parliament would have to relieve His Royal Highness from all personal responsibility. Under such an arrangement there would be a real Court in Ireland. His chief object in rising, however, was to say that while he concurred with his noble Friend who spoke last, in believing it to be inexpedient that the Bill under discussion should pass into law, he could not forbear from expressing his disappointment that the Government had not evinced any sense of the grave situation in which Ireland was now placed. It was only a short time ago that in discussing another subject, he (Earl Grey) ventured to state that while that country showed in some respects gratifying symptoms of material improvement, there were other respects of a political and moral aspect in which her condition was far more unsatisfactory than it had been for a very long period. He made a comparison between the state of Ireland as it was admitted to be at present, and that which it was described to be five years ago by the then Chief Secretary, Lord Mayo, who, in a remarkable debate in the other House, gave a history of her position which was not contradicted. If that statement were compared with the existing state of things, no one could fail to be struck by the change which had since occurred. What he had said on the recent occasion to which he had just referred, there had been no attempt made to controvert; and he therefore remained persuaded that the condition of Ireland was such as to create a great sense of uneasiness, if not of actual alarm, and he believed some of the evils to which she was now exposed were the direct consequence of the policy in her regard which had been pursued during the last five years. He could not, that being the view which he took, allow the Bill before the House to be rejected, without saying

that while disapproving the measure he heartily concurred with his noble Friend in the opinion that the state of Ireland called for the most serious consideration of the Legislature.

Lord O'HAGAN: My Lords, I am sure your Lordships will forgive me for trespassing briefly on your attention, when you remember that I am one of the Commissioners of National Education in Ireland. I should feel myself unworthy of my position in this House, and unfaithful to my colleagues who have been so vehemently, and, in my judgment, so unwarrantably, condemned by the noble Earl (Earl Russell), if I did not offer some words in vindication of their conduct. But before I do so, I must shortly advert to the speech which has just been delivered by the noble Earl on the cross bench (Earl Grey). I do not deem it necessary, especially after the observations of my noble Friend (the Earl of Kimberley) to enter on any discussion as to the general state of Ireland; but I am bound to say that, coming recently from that country, and having some knowledge of its actual condition, I have heard the statement of the noble Earl with the utmost surprise. That condition is not, in many respects, such as it ought to be; but I deny that it is greatly worse, or worse at all, than it was five years ago. I believe that it is better. I believe that the Irish people are advancing rapidly in the path of material progress. They are growing in wealth and the comforts which it brings. They have gained a stake in the soil from that wise policy so much denounced to-night, which, according to all our experience of humanity, will give them an interest in social order, and make them a law-abiding and loyal community. Popular education under an admirable system which, on the one hand, secures their religious rights, and, on the other, receives the liberal assistance and the wholesome inspection of the State, is spreading intelligence to every corner of the island; and if your Lordships will only consult our judicial statistics, you will find that Ireland, relatively to her population, is at this moment the most crimeless country of the world. These things should be taken into account when noble Lords are inclined to indulge in excessive lamentation as to the results of recent measures, which



can only find, in the lapse of years, their true and full development. I have been astonished to hear the noble Earl institute a comparison between Scotland, as described by Fletcher of Saltoun, and the Ireland of the present day.

EARL RUSSELL: No, no!

LORD O'HAGAN: The noble Earl referred to the progress of Scotland from a miserable condition, as giving, at the time in which we live, hope of a similar progress for the Irish people. There is no analogy between the cases. If I remember rightly, Fletcher of Saltoun actually proposed the introduction of slavery into Scotland, as a means of rescue from her semi-barbarous state. Ireland needs no such assistance to advance her civilization. On another matter, I must say a word. The noble Earl has spoken of Irish Judges as having given expression to terrible opinions, with reference, as I understood him, to the temporal power of the Pope within these realms. On behalf of those Judges, I repel the imputation. It is founded altogether in error and misconception. There has been lately a discussion in the Irish Court of Queen's Bench as to a Statute of Elizabeth, affecting the validity of Papal Rescripts in these countries. The Judges differed—three of them holding that that Statute was still in force, and the fourth, as I believe, that for certain purposes, and within certain limits, the course of modern legislation must be held to have impliedly repealed it. But it never entered into his contemplation, or that of any of his brethren, to imagine that, however the spiritual power of the Pontiff might affect the subjects of the realm, submitting to it of their own free will and unfettered conscience, it could interfere, in the smallest measure, with the sovereignty of the Queen. For many a year, the Catholics of Ireland, clerical and lay, have repudiated and denied any temporal or civil jurisdiction of the Pope within these kingdoms; and there is no Judge on the Irish Bench who has not pledged his oath to that repudiation and denial. Parliament has wisely dispensed with official swearing, which was felt to be useless and an insult to those of whom it was required. And the attempt of the noble Earl to induce your Lordships to pass a declaratory Act is wholly unnecessary, as its success would be mischievous.

*Lord O'Hagan*

You declare the Law only when it is questionable. But here there is no doubt; and the declaration would be worse than idle. Why should you offend the Catholics of Ireland by making such a declaration. Apropos of what will you make it? How has their conduct rendered it necessary? How have they demonstrated any doubt of the plenary jurisdiction of Her Majesty in all matters temporal? How have they indicated forgetfulness of the multiplied oaths by which they have denied, in such matters, the jurisdiction of the Pope? The noble Earl once before unhappily initiated legislation of this description. For his purposes, the Ecclesiastical Titles Act was a dead letter, until it ceased to cumber the Statute Book; but it has had, and to this hour it has, most evil operation in severing socially the chief ministers of the religion of the masses of Ireland from the Executive Government, and depriving it of legitimate influence which might be often used for the most beneficial purposes. One word only as to the Lord Lieutenantcy. I am not of those who desire its abolition. I know that my opinion is, among politicians, unpopular; but I cannot cease to hold it, because I do not desire to increase the evils which Ireland has endured from excessive centralization; and because I believe that a strong Executive is, and will be, for many a day, most needful in her metropolis. I do not think that her interests can, without such an Executive, be as well protected from a parlour in Whitehall. The noble Earl once succeeded in carrying a measure for the abolition of the Vice-royalty through the House of Commons; but, in this House, it was encountered by the prescient wisdom of the Duke of Wellington, and it was rejected by your Lordships. Subsequent events have justified your decision. When the cattle plague raged in England, and threatened devastation to Ireland, it was repelled from our shores by the instant action and unwearying vigilance of my noble Friend behind me (the Earl of Kimberley), who was then Lord Lieutenant. When Fenianism disturbed the kingdom, it was struck down by a like action and a like vigilance. And I more than doubt whether, in either of those cases, the same results would have been achieved by a Minister in London, without similar means of gauging opinion, of collecting

information, and of guarding, with prompt decision, the great interests committed to his care. I have paused too long on topics on which I did not mean to dwell; and I pass to that which prompted me to address the House. The suggestion of the noble Earl as to the education of Ireland is, that the control of it shall be transferred to the Lords of the Council in England. I take leave to say, with all respect, that a proposal more uncalled for, more incapable of practical operation, or more gratuitously offensive in its character, has never been presented to your Lordships. It is not called for by the people whom it would affect. It could not work if it were adopted; for it would relegate to the English Committee of Council appeals against the acts of tens of thousands of patrons, managers, and teachers, and of the Board of Education itself. And it conveys the gross imputation of incapacity on a Commission which has established, with earnest effort and unexampled success, a great national system, vast in its proportions and beneficent in its results, and never so flourishing as at this moment. I do not think that such a suggestion needs much discussion; but I refer to it because it is connected with the charges of the noble Earl against the National Board. I trust your Lordships will bear with me when I tell you that not here only, but in a work printed for general circulation by the noble Earl, the majority of its Commissioners have been assailed with the greatest violence. Reckless accusations have been scattered broadcast against us—the worst figments of the newspapers have been gathered together and embalmed in that curious work—We have been charged with “grievous wrong;” with “violation of the spirit of Magna Charta;” with “allowing an Irish Archbishop to proclaim the jurisdiction of the Pope, a foreign Prince, over the Queen’s Kingdom of Ireland;” and, finally, with “violation of Divine and human law.” These are grave charges, which should not have been lightly made against the meanest people in the community; but they have been launched without a shadow of justification, against the foremost men in Ireland—its chief Judges, Members of your Lordships’ House, and others eminent in various walks of life, who are engaged in a difficult and thank-

less task—without fee or reward, with great expenditure of time and labour, and often at the cost of obloquy from conflicting parties, maintaining a scheme of liberal and impartial education, which, under their auspices, has had signal and ever-increasing prosperity. And they have been made by the noble Earl not in the excitement of debate, or amidst the ringing cheers of your Lordships, but deliberately in the quiet of his study. In such a case, surely, excessive strength of language becomes excessive weakness. As to the matter of Mr. O’Keeffe, which has been the subject of denunciation to the noble Earl, out of 20 Commissioners, seven only have adopted his views, and on the inquiry lately instituted by the House of Commons no single person ventured to impeach, as he has done, or to impeach at all, the motives of the majority. The Commissioners have simply done their duty, according to their convictions, with absolute freedom from all external influence, and in strict accordance with the precedents and practice which have governed their conduct for 40 years. If the imputations now made be well founded, they affect, equally, great and good men who have departed. Archbishops Murray and Whately, Baron Greene, and their co-labourers in earlier days—who marked out the course which their successors have faithfully followed—if they were living, would all protest against the slanderous injustice with which those successors have been assailed. Who, my Lords, are the Commissioners represented as subservient to the Pope and disloyal to the Queen? The staunchest Protestants and Presbyterians in Ireland—a learned Judge who has been the trusted adviser of the Protestant Prelacy in rehabilitating the Disestablished Church—noble Lords, the purity of whose Protestantism even the noble Earl will not venture to question—and the trusted representatives of the Irish Presbyterian clergy and laity. The charge is simply—I say it with all respect—absurd; and is it less absurd to say that such men as the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, and Mr. Justice Fitzgerald—certainly not the least honoured members of the Irish Judicial Bench—have violated Magna Charta, and trampled on Divine and human law? For myself and on behalf of those distinguished

persons, I enter my humble protest against the use of language so outrageous; and I have a right to utter that protest, as, for 15 years, I have laboured earnestly to sustain our system of national education in its integrity—sometimes in opposition to friends whom I esteem, and sometimes with unpleasant exposure to misconception and misrepresentation. I can speak with some authority as to the conduct and motives of those with whom it is my pride to have been associated in this great work. But they need not stand for defence only on their position and reputation. Their conduct in the matter for which the noble Earl has abused them has been in strict accordance with precedent and practice, and the purpose regulating that conduct has been perfectly sound. When Lord Derby wrote his famous letter—which, in itself and its consequences, will be one of his highest titles to the respect of posterity—he proposed that Ireland should enjoy a united secular and a separate religious education. He did not design to eliminate religion from the instruction of the people; and the Commissioners—acting in the large and liberal spirit of that letter—set themselves to avoid the lamentable failures of the Charter Schools and the Kildare Place Society by conciliating and comprehending the clergy of the various denominations; and, very much through their instrumentality, popularizing the novel system which was to be substituted for those abortive institutions. They have done so with perfect fairness and impartiality, and they have conquered difficulty, and removed obstruction of no common kind, until that system has attained its present great proportions and pervaded Ireland from the centre to the sea. And pursuing this course, they tacitly pledged themselves to all denominations—Protestant, Presbyterian, and Roman Catholic alike—that those having the control of the schools should be of such a character as to make their management safe for the children of the several creeds in a religious point of view. And hence it came to pass that, to a very large extent, the clergy of the various churches assumed the direction of the schools, not from any absolute legal right, but because they were, for manifest reasons, the fittest to inspire the people with confidence in the instruc-

*Lord O'Hagan*

tion offered to them, and make them regard that instruction as sound and satisfactory. And hence, also, the parson, the priest, or the minister, who was so chosen, by reason of his peculiar position, has always been displaced, when that position was lost, on his degradation or suspension by the authorities of his Church. This has been the practice, uniformly and universally; and this the principle on which the practice has been founded. It was a practice essential to be maintained in a country, all of whose people, whatever be the variances in their forms of belief, are, in their several ways, essentially religious. It gave the guarantee relied on by the heads of the religious bodies, and the system could not have succeeded or endured, if that practice had not been honestly maintained. This was the simple ground of all the proceedings in the O'Keeffe case. They were taken at the bidding of no ecclesiastic, and they would have been exactly the same whatever had been the confession of the clergyman—Presbyterian, Baptist, or any other—who had been degraded. If they had been other than they were, in my opinion they would have exposed the Commissioners to the charge of a breach of faith; they would have shaken the system to its foundation, and perilled all the advantages it has conferred on Ireland, and, through the education of Ireland's masses, on the entire Empire. There may be controversy about the propriety of the practice; suggestions may be made as to attempts at its improvement hereafter, with full notice to all the world; but, as matters stood, the Commissioners were bound to enforce it as they found it, and they did absolutely nothing more. If they had done anything else, they would have destroyed the confidence alike of the Churches and the people, in the protection afforded for the purity of separate religious teaching by authorized clergymen; and the result would possibly have been the secession from the Board of myriads of children, and the establishment of inferior schools in no relation with the State, deriving from it no aid, and submitting to no inspection. Anyone who knows Ireland will not need to be told how gigantic might have been the calamity so inflicted upon her. Very many of those who rail at the Commissioners do not understand that the success of their efforts would establish that very clerical domination

over the Irish schools, which of all things, I take it, they desire to avoid. I do not go into any detail as to the case of Mr. O'Keeffe, because on a former occasion I troubled your Lordships with many observations upon it. I have only now been anxious—the occasion having arisen—to defend my colleagues against charges which could never have been made, if their own high character, or the settled practice of the National Board, or the plain principle by which it is justified, had been duly regarded. I desire no conflict with the noble Earl. I lament some of the courses of his later life, but I have a grateful memory of the services which he rendered, in other days, to the good old cause of civil and religious liberty. I know how often he contended for that cause, and how of him and the Catholics of Ireland it may be said, that for it

"In many a glorious and well-foughten field,  
They stood together in their chivalry!"

I have sought only to vindicate those he has mistakenly assailed; and I trust your Lordships will, at least, believe they have striven to do their duty.

THE EARL OF CARNARVON said, the noble and learned Lord who had risen to reply to the speech of the noble Earl on the cross benches (Earl Grey) had left that speech virtually unanswered. Indeed, throughout the debate there had been no indication from any Member of Her Majesty's Government, or from any one connected with that Government, that the state of Ireland was such that it deserved the consideration of Parliament. On the contrary, the noble and learned Lord who had just spoken (Lord O'Hagan) stated that the state of Ireland was not only not worse now than it was five years ago, but that it was not so bad. But did their Lordships remember that at that moment the Press of Ireland was placed under the most extraordinary restrictions, and that a large proportion of Ireland was proclaimed and under a kind of military law? Did Her Majesty's Government forget that to be a supporter of the Government was a disqualification for Parliament in the eyes of the electors of Ireland—that the preference was given to Home Rulers who all but advocated a repeal of the Union? His noble Friend had been, therefore, amply justified in the remarks he had made upon the point. In his (the Earl of Carnarvon's) opinion that

was a very serious state of things, and he must again express his disappointment that no one connected with the Government had admitted that the condition of Ireland was unsatisfactory. If it were in one sense better than it was in 1854, the improvement was due to military pressure and measures of repression. He agreed with the noble Lord opposite (the Earl of Kimberley) that the present was not a time to make great constitutional changes such as those proposed by the Bill, especially by way of experiment; but he must add his protest to that of the noble Earl on the cross benches against the condition of Ireland being regarded as satisfactory.

EARL GRANVILLE said, he did not wish to weaken that which he and his noble Friends near him regarded as the emphatic contradiction his noble and learned Friend the Lord Chancellor of Ireland had given to the assertion that Ireland was a most crime-ridden country. He merely rose to correct the statement made by the noble Earl opposite (the Earl of Carnarvon) that a large proportion of Ireland was under military law.

THE EARL OF CARNARVON: What I meant to say was that large districts of Ireland were proclaimed.

EARL GRANVILLE said, he had to give an equally strong contradiction to the statement that Her Majesty's Government favoured those who professed Home Rule principles.

THE EARL OF CARNARVON said, he had never made such an assertion. What he said was that the electors of Ireland favoured Home Rulers to the exclusion of Government candidates.

THE DUKE OF RICHMOND assured the noble Earl that what his noble Friend said was, that Government candidates were rejected by Irish constituents, who accepted those who were in favour of Home Rule.

THE EARL OF MALMESBURY said, he had also so understood the statement of his noble Friend.

VISCOUNT LIFFORD said, that in the Irish schools, as they were established by Lord Derby, Scripture extracts used to be read, although no child could receive religious instruction whose parents objected. Now, those Scripture extracts were no longer read, and Archbishop Whately's *Evidences of Christianity* was excluded from the school. He had had a school, and for 16 years neither parent

nor priest had objected to the instruction given. Now the rule was, that no child should receive religious instruction unless his parent came forward and signed a paper that he agreed to the instruction proposed to be given. With regard to the loyalty of the people of Ireland under the present state of things, he asserted that it had not increased, but diminished. The Irish people thought they would be safer with the United States or with France than with England. Anything would be better than the existing state of affairs in Ireland, and if the noble Earl went to a division he should divide with him.

On Question? *Resolved in the negative.*

#### SIR SAMUEL BAKER'S EXPEDITION.

EARL GRANVILLE said, it would no doubt be gratifying to their Lordships if he stated the substance of a telegram from Mr. Vivian, dated Alexandria, that day—

"Sir Samuel Baker reports safe arrival, with all Europeans, at Khartoum. Country come under Egyptian dominion. Route opened to Zanzibar. Slave trade in process of being suppressed. El Zaraf proved navigable. Victory on June 8 of 105 men over army of Onicoso. Country orderly and quiet. Mission quite successful."

A subsequent telegram from Mr. Vivian, dated Alexandria, 3 30 P.M., said—

"3 P.M. Telegram from Governor of Soudan to Cheriff confirms safe arrival of Baker and his expedition at Khartoum; but states that Mr. Higanbotham (*sic*) died at Goadokoro. Baker comes here at once."

#### AGRICULTURAL CHILDREN BILL.

(*The Lord Henniker.*)

(NO. 165.) REPORT OF THE AMENDMENTS.

Amendments *reported* (according to Order).

Further Amendments made.

LORD HENNIKER said, he had endeavoured to carry out the wishes of their Lordships, expressed in the Committee of this Bill, in the clauses he had brought up. Their Lordships would find all the Amendments which had been made in the House of Commons to Clause 6, carried out by the words now before the House, and the clauses after Clause 7, he believed, carried out the expressed wishes of their Lordships' House. He wished to introduce words into the second new clause, to avoid

any misapprehension as to the meaning of the clause, for it might be construed, as it stood at present, as if the Provisos affected the first part of the clause; and this was not intended. The first part of the clause respecting the exemption of children who were employed in harvest, hay harvest, and so on, was intended to be an absolute enactment; whereas, as the clause now stood, the Provisos might apply to the first part, as well as the second part of the clause. He (Lord Henniker) wished to say a few words in explanation of the clause relating to reformatory and industrial schools, which he had introduced, as he was bound to do on bringing up a new clause on the Report. He thought their Lordships would agree to this clause to exempt reformatory and industrial schools from the operation of the Bill; for the chief object in those schools was to teach habits of work, as well as to bring the children into a school of education, under the ordinary acceptance of the term. Suppose a boy, badly brought up, as most children were who came under these Acts, he would not, perhaps, settle down to school work for a time, but, by degrees, and by means of putting him to field work, he would do so. Then attendances at school, taken by the rules of the Education Department, was very difficult to calculate in this case; the two hours of attendance was seldom, if ever, made up in these schools in each school-time. The schooling was in almost every case ample, but the advantage taken of a wet day, and other reasons, made the attendance at school necessarily, and rightly, irregular. The children who came under these Acts were of a different class from those affected by the Bill, and the course of instruction was different, too. It must be wrong to put any obstacle in the way of the working of those schools. Financially, it would affect them; for in many instances, the labour of the children was let out in the neighbourhood, and in one instance, £100 a-year was gained in this way in Northamptonshire. Great power was given under the Industrial Schools Act, almost amounting to a stringent system of compulsion; and, surely it would not be right to put other restrictions upon such children. He (Lord Henniker) had imagined those schools would not come under the provisions of the Bill, as they

*Viscount Lifford*

were under special Acts; but he found on investigation, that although they were virtually under special Acts, they were not so actually; for no special provisions were laid down for the instruction to be given, and this fact would bring them under the Bill. They were really under special provisions; for they would not be certified schools unless they were under Government inspection, and the rules were sanctioned by the Secretary of State. He hoped their Lordships would consent to the introduction of the clause, as if these schools were brought under the Bill, it would very much interfere with the good and effective work they were doing in the country.

Amendment moved, at end of Clause 8 insert—

("Nor shall the said provisions apply in the case of any child for the time being detained in a certified reformatory school or in a certified industrial school within the meaning of the Reformatory Schools Acts, 1866 and 1872, and Industrial Schools Acts, 1866 and 1872, respectively.")—(*The Lord Henniker.*)

THE DUKE OF RICHMOND said, that the Bill had no doubt been improved since it came up from the Commons, but he doubted whether the Amendment would not place reformatory and industrial schools in a better position than the parents of the children who were not permitted to go to work under a certain age. He understood that the noble Lord behind him proposed the addition to the clause because certain industrial schools in Northamptonshire earned not less than £100 a-year by letting out the children to farmers in the neighbourhood, and that if they were prevented by this Bill from doing so, they would suffer a considerable pecuniary loss. If that were so, he thought their Lordships ought not to agree to the clause at the present moment, as he objected to an industrial school letting out children to the neighbouring farmers.

THE EARL OF CARNARVON hoped his noble Friend (Lord Henniker) would postpone his Amendment till the third reading.

LORD HENNIKER said, he was quite willing to act on that suggestion.

Amendment, by leave of the House, withdrawn.

Bill to be read 3<sup>d</sup> on *Monday* next; and to be printed as amended.—(No. 185.)

# CROWN PRIVATE ESTATES BILL.

(*The Lord Chancellor.*)

(NO. 175.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that its principal object was to make it clear that Her Majesty, or any future Sovereign, should have the power of transmitting her private estates to any member of the illustrious family that now ruled this country, and that they should continue private estates in the event of the person who held them succeeding to the Crown.

Motion agreed to.

Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

# MARRIAGES (IRELAND) LEGALIZATION BILL—(No. 94.)

(*The Marquess of Clanricarde.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF CLANRICARDE, in moving, that the Bill be now read the second time, said, the disestablishment of the Irish Church had rendered such a measure extremely necessary.

THE MARQUESS OF LANSDOWNE said, the Government had no serious objection to raise against the Bill. There were however, so many inaccuracies throughout it that perhaps it would be as well for the noble Marquess to draw up a fresh measure, and introduce it next Session.

THE LORD CHANCELLOR said, he entirely approved of the object of the Bill, but agreed that it was so faulty in several particulars, that it would be better it should be replaced by a more perfect measure. He would, moreover, suggest that it was not desirable to proceed with special legislation, especially when it was considered that the whole question of the marriage law of Ireland might well be dealt with.

Motion agreed to.

Bill read 2<sup>d</sup> accordingly.

House adjourned at Eight o'clock  
'till To-morrow, Half-past  
Ten o'clock.

## HOUSE OF COMMONS,

Monday, 30th June, 1873.

MINUTES.]—New MEMBERS SWORN—William Miller, esquire, for Berwickshire; Viscount Grey de Wilton, for Bath.

SUPPLY—Resolutions [June 27] reported.

PUBLIC BILLS—Ordered—First Reading—Military Manœuvres \* [216]; Militia (Service, &c.) \* [216]; Public Records (Ireland) Act (1867) Amendment \* [217].

Second Reading—National Debt Commissioners (Annuities) \* [201]; Public Works Loan Commissioners (School and Sanitary Loans) \* [203]; Consolidated Fund, &c. (Permanent Charges Redemption) \* [204]; Blackwater Bridge (Composition of Debt) [177]; Elementary Education Provisional Order Confirmation (Nos. 4, 5, and 6) \* [208, 209, 210]; Local Government Provisional Orders (Nos. 4 and 5) \* [211, 212].

Committee—Supreme Court of Judicature [154]—R.P.; Blackwater Bridge (re-comm.) \* [176-213]—R.P.

Committee—Report—Intestates Widows and Children \* [114-214].

Report—Tramways Provisional Orders Confirmation (South London Tramways) \* [192].

Considered as amended—Prison Officers Superannuation (Ireland) \* [142].

Withdrawn—Prison Ministers Act (1863) Amendment \* [13]; General Valuation (Ireland) \* [64].

## IRELAND—LOANS TO IRISH RAILWAY COMPANIES.—QUESTION.

MR. M'CLURE asked the First Lord of the Treasury, How such Irish Railway Companies as may be disposed to avail themselves of the intimation to the effect that advances of money might be made by the State to Irish Railway Companies at low rates of interest should proceed in order to bring themselves within the scope of that intimation, and in what manner will the Government require to be satisfied that such advances will be attended with an adequate increased facility to the public and development of traffic?

MR. GLADSTONE: I presume, Sir, that the Question of my hon. Friend the Member for Belfast is founded upon a declaration made by me at an earlier period of the Session; but I wish he had adverted exactly to the character of that prior declaration. The Question appears to imply that I had stated on the part of the Government, that we were ready to deal with Irish Railway Companies individually and separately, if they asked for loans at low rates of interest. I have referred to the Report

—for which I am not in any way responsible—of the prior declaration made by me in this House. I have no doubt it corresponds substantially with what I said, and I will venture to repeat my words on that occasion:—

"It was quite impossible, however," I said, "for the Government to take the initiative in such a matter"—that of dealing with the railway companies—"because it depended entirely upon the arrangements and upon the economical management of the railway companies themselves. The first and the most essential step would be that the Irish railway companies should agree upon some reasonable principle of amalgamation, and should arrange among themselves for the transfer of the debt; and when that step had been taken, the initiative would lie with the railway companies, because the security could only be accepted in the event of its being perfect."—[3 *Hansard*, cxcv. 1166.]

My hon. Friend will, therefore, perceive that combination and agreement among the companies themselves are of absolute necessity according to the declaration which was made by me.

## ARMY—AUTUMN MANŒUVRES—HORSE BLANKETS.—QUESTION.

COLONEL EGERTON LEIGH asked the Secretary of State for War, Whether it is true that horse-blankets are not to be supplied to the horses taking part in the Autumn Manœuvres at Dartmoor and Cannock Chase this year; and, if it is true, what are the reasons for the horse-blankets being refused?

SIR HENRY STORKS: Sir, the experiment of not issuing horse-blankets to one regiment of cavalry was tried last year with perfectly satisfactory results. The opinion of the principal veterinary surgeon, as well as that of officers commanding regiments of cavalry and the deputy adjutants general of the Royal Artillery and Royal Engineers, having been unanimously in favour of the non-issue of horse-blankets, the Field-Marshal Commanding-in-Chief has concurred in the decision that they should not be issued.

## GENERAL VALUATION OF IRELAND—THE DUBLIN AND KINGSTOWN RAILWAY.—QUESTION.

THE O'CONOR DON asked the Secretary to the Treasury, When and by whom, and in what form, the remonstrance was made on behalf of the Dublin and Kingstown Railway Company, which led to the reduction of the valuation of that line by more than one-half;

and when did this revised valuation, amounting to £14,800, come before the Chairman of the county and the Recorder of the city of Dublin on appeal; and in what form did they express their sanction of it?

MR. BAXTER: Sir, my hon. Friend the Member for Roscommon has rather misapprehended the answer I gave on Tuesday last. As furnished to me, it was so long that I was afraid it would weary the House, and in my attempt to abbreviate it, I have conveyed an erroneous impression to my hon. Friend's mind. The remonstrance on behalf of the railway was made in 1861 by the Chairman and other officers of the Company at several meetings with Sir Richard Griffith, but the revised valuation which followed did not come before the chairman of the county and the recorder of the city of Dublin on appeal. It was the allowances then made which had the effect of reducing the valuation, which at a subsequent period came before these Gentlemen, and with some modifications received their approval in the form of a judgment of the Court. These allowances are still in force, but in consequence of the increased profits of the line the valuation has also been increased.

#### CRIMINAL LAW—OUTRAGE AT THE BATH ELECTION.—QUESTION.

MR. DIXON asked the Secretary of State for the Home Department, Whether any steps have been taken by the police authorities at Bath to discover and prosecute the persons who threw Cayenne pepper at Messrs. Cox and Adams on the 20th instant; and, whether he will take into consideration the advisability of a reward being offered by Government for their apprehension, in order that a stop may be put to a practice which has been repeated on several occasions?

MR. BRUCE: Sir, I have received a communication from the town clerk of Bath, stating that the police authorities of that city have done, and are doing, everything in their power to discover the perpetrators of the disgraceful outrage referred to in the Question of my hon. Friend. They have not been hitherto successful, but they have not abandoned hope, and are still pursuing their inquiries. With respect to the second part of the Question, I beg to say that

rewards to those who may give evidence leading to the detection and punishment of offenders are only offered by Government in the very gravest cases, such as murder, and then only on the application of the magistrates; such rewards, if frequently given, having the obvious tendency to encourage important witnesses to withhold their evidence until they are assured of some pecuniary advantage. No such application from the magistrates has reached me. I understand, however, in this case, that rewards have been locally offered, and I trust that the efforts of the police may be successful, and that severe punishment may overtake those who have been guilty not only of a private injury, but of a public outrage, by this dastardly attempt to interfere with free discussion at a public meeting.

#### METROPOLIS—KENSINGTON GARDENS. QUESTION.

SIR HENRY HOARE asked the Secretary of State for the Home Department, Whether he is aware that on the night of Tuesday the 24th instant there was almost a total absence of policemen from duty in Kensington; why the gates of Kensington Gardens were open till close on midnight; whether they were so owing to there being no policeman or other official to close them; and, whether it has been reported to him that several robberies were committed that same night in and about the neighbourhood of Campden Hill?

MR. BRUCE: I presume, Sir, my hon. Friend has not put these Questions without some grounds for believing that the statements they contain are well founded. If so, he has great cause to complain of his informant. The facts are these. The ordinary hour for closing the gates of Kensington Gardens is 9 o'clock. On the evening of the 24th vast numbers of carriages and great crowds of people assembled in Hyde Park to witness the return of the Shah from the Windsor Review, and it being necessary to preserve order, some few of the policemen from Kensington Gardens were withdrawn from their ordinary duties, and detained to a later hour than was expected, so that the north gates were not closed until 40 minutes past 9, and all the other gates between 9 and half-past 9. There was an ample body



of police to preserve order, and no robberies nor any irregularities were reported to the Kensington police as having been committed during that night; and I am obliged to my hon. Friend for the opportunity of stating a fact very creditable to the vast population of the West End of London and its suburbs, that during the past week not a single larceny was reported to the police as having been committed between Westminster and Staines.

#### ARMY—ROYAL MARINE ARTILLERY—OFFICERS.—QUESTION.

MR. H. SAMUELSON asked the Secretary of State for War, If the War Office object to the First Captains of the Royal Marine Artillery having the same rank as the late First Captains of the Royal Regiment of Artillery; and, if so, if he would explain to the House for what reasons they object?

MR. CARDWELL: Sir, a proposal was made to the War Office on the subject of the promotion of a portion of the captains of the Royal Marines generally to the brevet rank of major; in reply to which it was pointed out to what extent that particular proposal would have affected officers in the Army of the same standing, and an arrangement was effected, which it was hoped was satisfactory to both Services. No special reference has been made with regard to first captains of the Royal Marine Artillery.

#### NAVY—CAPTAINS OF THE ROYAL MARINE ARTILLERY.—QUESTION.

MR. H. SAMUELSON asked the First Lord of the Admiralty, If it is not the case that the companies or batteries commanded by First Captains of the Royal Marine Artillery are of greater numerical strength (viz. 173 Officers and Men) than the average of batteries of the Royal Regiment of Artillery; whether the First Captains of the Marine Artillery have not a greater length of service than the late First Captains of the Royal Artillery; and, whether it is his intention to confer upon the former the same promotion as has been given to the latter; and, if not, if he would explain to the House for what reason he refuses?

MR. GOSCHEN, in reply, said, it was true that the companies or batteries commanded by first captains of the Royal Ma-

rine Artillery were generally of greater numerical strength than the average of batteries of the Royal Regiment of Artillery; and that the first captains of the Marine Artillery had generally greater length of service than the late first captains of the Royal Artillery; but it did not follow that the duties of the two corps were precisely the same, nor that the number of men generally commanded by officers of the rank of captain were the same in the same corps. With reference to the third Question, a proposal to grant the identical promotion to the Royal Marine Artillery which had been given to the Royal Artillery had never been placed before the Admiralty, and therefore he had never had any opportunity of consenting or refusing. The proposals made had reference to the whole Marine force, both Infantry and Artillery, and, in consequence of representations made to the Admiralty, an arrangement had been effected by which a certain number of captains, both of Artillery and Infantry, had been promoted to the brevet rank of major.

#### THE GENEVA AWARD—THE ARBITRATORS.—QUESTION.

SIR THOMAS BATESON asked the First Lord of the Treasury, Why the proposed Vote for the purchase of Plate to be presented to certain of the Arbitrators in the Geneva Award has been postponed until this late period of the Session; whether he will inform the House as to the exact day on which he intends to bring forward this Vote; whether any steps have yet been taken with reference to the purchase or selection of the Plate in question; and, if so, what steps; and, further, whether a sum of £15,000 was not voted by Parliament last year to meet the expenses in connection with the Arbitration?

MR. GLADSTONE: I am extremely sorry, Sir, that I was prevented by an imperative call from being in the House when my hon. Friend the Member for Devon put the Question down before. The first part of the Question is very easy to answer. It is intended, as my hon. Friend knows, to submit a Vote for the purpose of purchasing plate, to be presented to the Arbitrators, and that Vote will be submitted at a convenient and proper period. [*Laughter.*] I mean to say it will be submitted at a

period when it can be conveniently considered by the House, which I have no doubt is my hon. Friend's object; but it is not usual when charges of this kind, limited in amount and of secondary importance, have to be brought forward after the presentation of the ordinary Estimates, nor would it be very convenient to the House to present them one by one. It is more convenient, and certainly according to the usual practice, to wait till the Government can see its way tolerably clear to bring them up with any small group of such charges which it may be their duty to propose to the House, and very shortly we shall be in a condition to do that. I cannot name a day when the Estimate will be proposed, but it will be laid on the Table with certain other charges of no great importance at a very early period. Steps have been taken with reference to the purchase and selection of the Plate in question. This was a case in which, the proceedings not depending entirely upon the action of the Government of this country, we did not, as we should probably otherwise have done, take the opinion of the House of Commons before any step was taken in the matter. The initiative was, in fact, taken at a very early period, as I think the House was informed some time ago, by the Government of the United States; and it would not have been becoming, I think, that the Government of this country should say, in a matter of this description, that they could not make any answer till they had had an opportunity of submitting the proposal to Parliament. It was not necessary to reserve the judgment of Parliament expressly in such a matter; but, of course, the judgment of Parliament is perfectly free. However, I may say that steps have been taken for the selection of the Plate in question, and if my hon. Friend asks what step, I believe the usual step—namely, that of ordering it. With regard to the amount voted by Parliament last year in connection with the Arbitration, owing to some accident, reference has not been made to the proceedings, but no doubt my hon. Friend is correct in regard to the amount.

SIR THOMAS BATESON: Then, Sir, I beg to give Notice that on an early day I will ask the Prime Minister, Whether he, as First Minister of the Crown, considers it consistent with his

duty to the constituency he represents, as well as to the Nation at large, thus secretly to expend sums of money unknown to Parliament, and without having previously obtained the sanction of the Representatives of the people?

#### FRANCE — THE NEW COMMERCIAL TREATY—BRITISH MINERAL OILS.

##### QUESTION.

MR. M'LAGAN asked the Under Secretary of State for Foreign Affairs, What is being done to effect a settlement of the questions connected with British Mineral Oils in France, both as to claims and rates of import duty?

VISCOUNT ENFIELD: Sir, the question relating to British mineral oils, both as to claims and rates of import duty, would have been settled by the Protocol attached to the Treaty of the 5th of November last, and the inquiry into the claims had already been commenced before the mixed Commission at Paris. Her Majesty's Government are not yet informed of the views of the French Government with regard to the future proceedings of the Commission; but Her Majesty's Ambassador at Paris has urged the settlement of these questions relating to mineral oils upon the attention of the French Government, in order that they may form part of any arrangement which may be come to in connection with the Treaty of Commerce of last year.

#### POOR LAW ELECTIONS (IRELAND)—FORGED VOTING PAPERS.

##### QUESTION.

MR. BRUEN asked the Chief Secretary for Ireland, Whether application was made to the Local Government Board during the months of March, April, or May 1873, to institute a prosecution against any persons on a charge of forging signatures to voting papers at the election of a poor law guardian for the electoral division of O'Brien's Bridge, in the Limerick Union; and, whether the Local Government Board refused to undertake such prosecution; and, if so, what were the grounds of the refusal?

THE MARQUESS OF HARTINGTON, in reply, said, that a case had occurred in which the attention of the Local Government Board had been directed to a charge of forging signatures to voting

papers at the election in question; but the Local Government Board did not consider that they would be justified in undertaking prosecutions at the charge of funds derived from the Imperial Exchequer in cases of this kind, which were merely of local interest, and when it was open to any person able to prove the facts to proceed before the justices at petty sessions for the penalty.

**DRAINAGE OF LAND (IRELAND) ACT  
1863 — DRAINAGE OF THE RIVERS  
SUCK AND SHANNON.**

**MAJOR TRENCH** asked Mr. Chancellor of the Exchequer, Whether he is aware that the state of the Shannon has been the means of preventing the undertaking of the drainage of the extensive districts bordering the River Suck ever since the year 1848, notwithstanding the frequent efforts of the persons affected to obtain the requisite permission to drain their lands; and, whether, having regard to the fact that there is no other outlet for the waters of the Suck except through the Shannon, and also that the latter river is under the sole control and guardianship of the Government, he will urge upon them the necessity which exists for taking such steps as may be necessary to place the river in a condition to fulfil its natural function; and, if not, whether he will state what steps should be taken, and by whom, to prevent the continuance of this dead lock?

**THE CHANCELLOR OF THE EXCHEQUER:** Sir, I am not aware that the state of the Shannon has been the means of preventing the undertaking the drainage of those districts, and I am sorry to say that I am not prepared to urge upon the Government to take any steps in this matter, nor able to give any advice as to what other steps should be taken.

**MAJOR TRENCH:** I beg, then, to give Notice that on an early day I shall move for certain Papers, which may make it patent to the right hon. Gentleman that the substance of what is set forth in my Question is in accordance with the simple facts.

**GENERAL VALUATION OF IRELAND.**

**QUESTION.**

**SIR FREDERICK W. HEYGATE** asked the First Lord of the Treasury, Whether Her Majesty's Government

*The Marquess of Hartington*

consider that no change of the present General Valuation of Ireland should take place until after the expiration of the twenty years for which the Irish Land Act was passed, and freedom of contract in certain cases prohibited?

**MR. GLADSTONE:** I am rather at a loss, Sir, to understand what is the precise meaning of the Question, or whether it expresses the precise view of the hon. Baronet the Member for Londonderry County, but I will answer it as well as I can. Most certainly, I do not consider that no change of the present General Valuation of Ireland should take place, that is to say, that the present General Valuation should remain in force for all purposes till after the expiration of the twenty years for which the Act passed. On the contrary, we gave the opinion by the Bill we introduced this year, that some change should take place; but it is one question whether some change should take place for general purposes, and another whether it should take place immediately, or after an interval, for the purposes of the compensations under the Land Act. Perhaps the most interesting part of my answer will be that which has reference to the Valuation Bill now in this House. We were most desirous to proceed with that Bill, but there was a desire very generally expressed by hon. Members that it should be referred to a Select Committee. We undertook, therefore, to consider whether we could propose to refer it to a Select Committee during the present Session with the prospect of a satisfactory and sufficient investigation. We are bound to say we cannot, and under these circumstances, in conformity with the intimation given on a former evening, we do not intend to proceed with the Bill.

**DIPLOMATIC SERVICE—PENSIONS TO  
WIDOWS OF CONSULAR OFFICERS.**

**QUESTION.**

**MR. BAILLIE COCHRANE** asked the noble Lord the Under Secretary of State for Foreign Affairs, Whether the Foreign Office intended to do anything for the widow of the late Mr. Abbott, Consul General at Odessa? Mr. Abbott, who had been 32 years in the Consular service—27 in Persia and five in Odessa—had left his widow with nine children, totally unprovided for. As Mr. Abbott's

health had been destroyed by his long residence in the East, he trusted that the case of the widow and orphan children would be made an exceptional one.

VISCOUNT ENFIELD: I am afraid, Sir, that the only answer I can give to my hon. Friend is, that there is no provision made in the Estimates whereby the Secretary of State could out of public funds give pensions to the widows and children of Consular Officers.

SIR SAMUEL BAKER—TELEGRAM.

QUESTION.

MR. CADOGAN asked the Under Secretary of State for Foreign Affairs, Whether he can confirm the report that news has been received at the Foreign Office of the safety of Sir Samuel Baker?

VISCOUNT ENFIELD: I am happy Sir, to inform my hon. Friend and the House that two hours ago a telegram was received from Mr. Vivian, at Alexandria, dated this day, one o'clock. It is as follows:—

"Telegram just received from Sir Samuel Baker, dated Khartoum, yesterday, reports his safe arrival there in good health, with all the other Europeans. The country as far as the Equator annexed to Egyptian dominion; all rebellions, intrigues, and slave trade completely put down; country orderly; Government perfectly organized; and road open as far as Zanzibar; El Zaraf navigable. Victory on June 8, with only 105 men, over army of Onioso. This mission completely successful."

# SUPREME COURT OF JUDICATURE

BILL (*Lords*)—[BILL 154.]

(*The Attorney General.*)

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Gladstone.*)

MR. GLADSTONE said, he had to offer a few remarks on the important subject mooted by the right hon. Gentleman the Member for Kilmarnock (*Mr. Bouverie*), and, if the statement he had to make should be conformable to the views of his right hon. Friend, it might save both him and the House some trouble. His right hon. Friend had proposed that whatever might be the final Court of Appeal constituted under the Bill, the same should be the final Court of Appeal for Ireland and

Scotland. With reference to that Motion, it was right that he should recall to the recollection of the House the declarations of his noble and learned Friend the Lord Chancellor and of his hon. and learned Friend the Attorney General in introducing the Bill respectively to both Houses of Parliament. They stated that it was obvious it could not be considered, in the abstract, a merit in a measure of this kind, that it should deal with the Court of Appeal for one of the three countries only, leaving Scotch and Irish appeals to be still decided by the House of Lords. On the contrary, it was their view, as it must be the view of all, that to establish one Court of Appeal for all three countries was a great object of policy in the improvement of our jurisprudence. That being so, they had to go to Parliament the reason which led them and the Government to think that it was better, as the circumstances then stood, to confine their efforts to the establishment of a Court of Appeal for England alone. That reason was of a simple character, because it relied entirely on the opinion stated to prevail in Scotland and Ireland. They founded themselves on what they deemed to be no uncertain indications of that opinion, for evidence had been taken before the Committee of the House of Lords, to the effect that the "profession" and the people of Scotland and Ireland would greatly prefer that the Appellate Jurisdiction should continue in the House of Lords. That was the reason which induced the Government to adopt the form of the Bill as it now stood. But his right hon. Friend having raised the question anew, the Government had thought it their duty to make new inquiries, under the altered circumstances of the case, for the circumstances of the case had greatly altered. The opinion of Ireland and Scotland, which was unfavourable to the transfer of their appeals, was founded on the supposition that the appellate jurisdiction of the House of Lords was to continue in its entirety, and that the House of Lords would not only have the machinery, but the habits and traditions of a Court of Appeal in pretty constant action; whereas, on the contrary, by the introduction of the Bill, the position of the House of Lords would be materially, he might say essentially, changed, not only with respect to the mass of English

appeals, but likewise with respect to the residue of business from Ireland and Scotland which would still theoretically and legally remain to it. No one could suppose that if the Bill were to pass, the House of Lords could continue to possess and exercise the same legal force, or to enjoy the same judicial weight in the country. The question which the Government had to put, therefore, was whether, presuming the jurisdiction of the House of Lords to be taken away as far as regarded English appeals, Irish and Scotch appeals should still remain to be decided by it. The question of the removal of English appeals might now be regarded as concluded. In the first place, it had been proposed by the Government to the House of Lords. In the second place, it had unanimously, or, at least, with substantial unanimity, been voted by the House of Lords, there having been no division on the subject, and a Bill removing that jurisdiction had been sent from the House of Lords to that House. In the House of Commons a greater diversity of opinion had been expressed by individual Members; but, after long and interesting debates of a discursive character on various provisions of the Bill, no division had been taken on this subject; and that House, following the steps of the other House of Parliament, had voted the removal of the appellate jurisdiction in English cases from the House of Lords. That being so, those who represented Ireland and Scotland were not only willing but desirous that the jurisdiction as to Irish and Scotch appeals should be removed from the House of Lords, and that the Bill should be adapted to those altered circumstances, so as to give the measure a character of greater completeness and efficiency. The question, therefore, which arose was, whether it would be possible so to adapt the measure without endangering its passing during the present Session, for he need not say that to endanger a measure which had been the result of such prolonged labour and consideration, and which contemplated improvements of such great importance, would be entirely contrary to the duty and inclinations of the Government. Well, the Government had arrived at the conclusion that it would be quite practicable to introduce into the present measure the changes necessary for effecting the purpose his

right hon. Friend had in view, as the Government understood it, without imposing upon Parliament any such additional labour or introducing any such great alterations into the structure of the Bill as would make it run any serious risk. He understood, however, that both in Ireland and in Scotland certain consequential changes might be found necessary owing to the transfer of Scotch and Irish Appeals to the new tribunal. He was not prepared, however, to say that it would be practicable to deal with these consequential changes during the present year, considering the point of the Session at which we had arrived. The question was, whether it would be possible to give the Court such a constitution and form as to make it a thoroughly satisfactory Court of Appeal for all these cases. That he understood was the object of the Motion of his right hon. Friend, and to that extent they concurred with him, and they would be prepared to propose changes, the precise form of which he could not now undertake to indicate, which, according to their views, and he hoped according to the judgment of the House, would have that effect. Now, as to the form of procedure, he would say one word. It would be possible to proceed in several methods for this purpose. It might be possible to introduce a separate Bill, introducing provisions so as to make the Bill applicable to Scotch and Irish appeals; but he did not ask the House to proceed in that method, because an element of uncertainty might be introduced with regard to the fate of that Bill which he was desirous to avoid. They might also proceed, by way of Instruction, to enable the Committee to change the Bill, so as to apply to Scotch and Irish appeals; but as no Notice had been given, that could not be done with regularity to-day, and though he believed it was not absolutely prevented by the forms of the House, it was not thought desirable to give Instruction to the Committee during the period when the Bill was in Progress. It was better that after the Speaker left the Chair and the House had entered on the details of the Bill, no change of that kind should be made at that stage. There was another course which was perfectly regular, and would be satisfactory to the House to pursue. What he should propose was this—to go through the Bill on the

*Mr. Gladstone*

clauses as it stood, without touching in the Committee the subject-matter of the Amendment of his right hon. Friend; but while the House was in Committee, they would give Notice of the provisions they proposed to introduce to give effect to that Amendment, and when they had reported the Bill after-Committee, they would propose to re-commit it for the purpose of giving effect to those changes. He hoped he had sufficiently explained to his right hon. Friend and the House the views they entertained, and the satisfaction with which they felt themselves able to accede to the Amendment of which he had given Notice.

Dr. BALL said, he must express his deep regret that the Government had thought it desirable to abolish the hereditary Court of Appeal in the House of Lords, and he must say that a great opportunity had been lost for preserving that Court. It was a tribunal of high reputation, credit, and authority, and if it could have been retained, no one would have been a stronger advocate for its retention than himself. But, since it was to be abolished, he thought it most undesirable that there should exist several distinct Courts of appeal dealing with the same law, considering the danger of conflicting decisions on the same subject. It therefore became a matter of vital importance that the Representatives of Ireland and Scotland should consider how they would be placed by this Bill. The view taken in Ireland had been modified by the course of circumstances. The Judges there had come to an unanimous resolution, expressing the wish that Irish appeals should be heard by the same tribunal that heard English appeals. The Irish Bar had come to a similar resolution; they had also passed another resolution, that in the Court of Appeal the Irish Bench should have a fair representation in the constitution of the tribunal. With respect to the Statute and Common Law of Ireland, while the latter was the same as that of England, the former was not, in consequence of the legislation of the Irish Parliament, and also in consequence of the practice which had since prevailed of legislating exceptionally for Ireland; and, therefore, a fair representation of the Irish Bench was necessary. If, in the constitution of the tribunal, the Members composing it were small in number, of course the Irish representa-

tion would be proportionally small; but if, on the other hand, the tribunal was numerously composed, then the Irish representation should be increased and adjusted in proportion. Then, with regard to Scotland, whose laws were different in many respects from those of England, it would be necessary that Scotland should also have a fair judicial representation in the constitution of the tribunal. He hoped the right hon. Gentleman at the head of the Government would not think that they were making any extraordinary or extravagant demands. In asking what he did for Ireland, he felt he only asked what was fair, and that the Irish Judges should have the same salaries as the English Judges.

Mr. BOUVERIE thought the statement of his right hon. Friend at the head of the Government must be satisfactory to all those who were disposed to support the Motion of which he (Mr. Bouverie) had given Notice. There was now no necessity for him to make that Motion, the course of proceeding indicated by his right hon. Friend being perfectly satisfactory to effect the object he had in view. On the part of his Scotch Colleagues, who sympathized with the object of his Motion, he would say that they also sympathized with what had fallen from the right hon. and learned Gentleman opposite (Dr. Ball), that to make the Court satisfactory and efficient, it would be necessary to have a fair representation of the Judges of the two sister countries on the Appellate Tribunal. He was glad his right hon. Friend had acceded to his proposal. The Government had originally concurred in the object of the Motion; but they had been deterred from making the proposal by an apprehension that the Representatives of the sister countries would not concur in the change. The fact, however, was, that when English appeals were removed from the House of Lords, it would have been impossible to retain the Irish and Scotch appeals there, because such appellate jurisdiction was a mere off-shoot of the more ancient appellate jurisdiction for England. That jurisdiction, he believed, had existed before Parliament itself, for it was part of the authority of the *Concilium Magnum*. It might have been possible under other circumstances to have modified and retained the jurisdiction of the House of Lords. But that time had gone by, when the House

of Lords themselves had abandoned all desire to retain the appellate jurisdiction; and it would have been impossible after that to have set it up again by legislation. He should give a hearty support to the Government in carrying out their plan. And with regard to the claim of Scotland and Ireland, he did not think that anyone could have any sound objection to it.

**MR. DISRAELI:** It appears to me to be not a very satisfactory proposition that the House should be called on to decide on this important measure upon bringing up the Report of the Committee. I agree that it is an inconvenient, even though it may be a legitimate course, to move an Instruction whilst we are in Committee; but it appears to me that there is a mode of proceeding that would get us out of the difficulty in a satisfactory manner; and that is that this debate should be adjourned whilst Mr. Speaker is in the Chair, and that before we go into Committee these Instructions should be put upon the Paper. Though I do not put my knowledge upon the subject in competition with that of many hon. Gentlemen who have studied it, yet I should feel—and I think the majority of the House would feel great difficulty in deciding upon the many points which we should have to consider without having the distinct propositions of the Government before us. It appears to me that no time would be lost by following the course which I venture to recommend to the right hon. Gentleman at the head of Her Majesty's Government, that he should not ask the House to proceed in the manner that he has indicated, which is, I think, unusual and unsatisfactory; but that he should adjourn this debate before Mr. Speaker leaves the Chair, and that then he should frame his instructions and place them before the House, in complete comprehension of the Bill on which we have to decide.

**THE ATTORNEY GENERAL** hoped the House would not assent to the proposal of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), which, though it sounded reasonable, would in truth postpone the Bill almost indefinitely. Although the subject was of importance, the absolute changes in the structure of the Bill suggested by the Government were really

small in themselves, and would best be carried out in the manner proposed by the Prime Minister; as, if any other course were pursued, it would lead to a considerable prolongation of the Session. The Government did not propose to deal with the Courts of Scotland and Ireland as regarded First Instance, but so to deal with the question at present, as to make the Bill as short and simple as could be. He admitted that what was now proposed should be done upon full consideration by those whose interests were affected, with whom it might be necessary to have some communication upon the subject; but meanwhile there was plenty to do; the Bill might proceed; the full Notice would be given of the changes which would be necessary.

**MR. BOURKE** said, he was desirous to express his strong opinion in favour of the views expressed to the House by his right hon. Friend the Member for the University of Dublin (Dr. Ball), in reference to a just representation of Ireland in the constitution of the tribunal. He was convinced that the further the House proceeded with the Bill the greater would be their conviction that they had committed a fatal error in abolishing the appellate jurisdiction of the House of Lords. It would be almost impossible to constitute a Court of Appeal which would give the same satisfaction and be as economical; and never had a change of such magnitude been made upon such slight authority, for, excepting the speech of the hon. and learned Gentleman the Attorney General, there was not a single great authority, living or dead, in favour of the change. It was a great constitutional amendment upon which the country had had no opportunity of giving an opinion; and he believed that when the country and the various Law Societies considered this question they would come to the conclusion that there was no Court of Appeal so efficient and so economical as a properly-constituted House of Lords. Certain accidental deficiencies no doubt existed in that tribunal, but they might easily be remedied—for instance, by the appointment of three Law Lords with salaries, and by providing that the House should sit to hear appeals all the year round. It would be satisfactory if the right hon. Gentleman at the head of the Government would state to the House what were the changes which he con-

and in reference to Scotland and Ireland, he said that the feeling in that country was strongly in favour of the maintenance of the jurisdiction of the House of Lords. Another point for consideration was the cost of the proposed Appeal Court. It was understood that the Court in its constitution would include the three Chief Judges of the Common Law Courts, and three Puisne Judges, and if so, the additional expense of constituting a new Court of Appeal, compared with the existing tribunal, would be very considerable. He hoped the Government would adopt the suggestion of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and would see that, although the changes to be made were small, they would still require great consideration. Until the House knew what the changes were to be which were to result from the communications between the Law Officers for Scotland and those for Ireland, it would be proceeding in the dark if it passed a single clause of the Bill.

Mr. VERNON HARCOURT said, he did not wish to delay or imperil the Bill, but he saw great difficulties in accepting it as it stood. It was true the proposal to include Scotland and Ireland did not affect the question of Courts of First Instance, but it most materially affected the whole question of the Appellate jurisdiction; and he could not understand how they were to deal with the 6th clause, and the clauses which hung upon it, without ascertaining how they were to deal with the Irish and Scotch elements of the Appellate Court. It affected not only organization, but also the financial clauses, which had been little explained, and were unintelligible until they knew what the scheme was to be. He concurred in the announced intention of the Government to make one great Court of Appeal for the whole Empire. This ought to be a very great Court, and one with the most consummate authority, because it was to settle the law finally for a great people. He also concurred in the conclusion that the jurisdiction of the House of Lords ought to be abolished, but he had never concealed from himself the gravity of such a step, and that nothing could justify its being taken, except the substitution for it of a Court most carefully constituted. He concurred, too,

in the abolition of the intermediate appeal to the Exchequer Chamber and the Lords Justices; but the very fact of intermediate appeal being abolished made it the more necessary to be extremely careful in considering the character of the new Court of Appeal. How was that Court to be constituted? What was wanted was a Court, homogeneous in its nature, and composed of the most eminent men that could be procured. Well, in the House of Lords we had a Court of a more or less homogeneous character; but that to be established by the Bill would consist of three separate elements, different in character, constitution, rank, and emolument. There were to be three classes of Judges—*ex officio*, ordinary, and occasional; and that, on the face of it, would be a grave defect in a Final Court of Appeal, and would diminish its authority. The hon. and learned Gentleman the Attorney General, moreover, proposed to reduce the salaries of the Members to £5,000, and so put them on the level of the Court below, from which they were to be a Court of Appeal. Why, as the Bill stood, there was every element introduced which was calculated to throw discredit upon the Final and Ultimate Court of Appeal in this country. The *ex officio* Judges were to be the Lord Chancellor, the Chiefs of the Courts of Common Law, and the Master of the Rolls, who were also to be occupied as Judges of the Court of First Instance, where their principal and ordinary occupation would be. Of course, these *ex officio* Judges would not attend to their *ex officio* duties any more than other *ex officio* officers, except on show occasions, such as the hearing of ecclesiastical cases which excited the sectarian mind. How often did *ex officio* Members attend the Judicial Committee of the Privy Council? What were termed the occasional Judges, the Law Lords, were to attend, if they gave their consent in writing; but there was to be no compulsion whatever as regarded their attendance. He (Mr. Harcourt), however, thought that functionaries, however high, if they received pensions from the State, ought to render services if they were able to do so. The unknown quantity of the equation was made up of the Irish and Scotch Judges, of whom they were to know no more until they got into Committee. The result would be,



we should have nine ordinary Judges left, and they would be the only Judges who would do work. There would be the three Judges of the present Committee of the Privy Council, who would have enough to do in hearing Indian and Colonial appeals; three more, the Lords Justices, with the Lord Chancellor, would have plenty to do in hearing Chancery appeals and the appeals which now went to the House of Lords; and there would remain to settle the whole law of England three Puisne Judges, who were to be substituted for the Exchequer Chamber and the House of Lords. He ventured to think that neither the country nor the profession would be satisfied with such an Appeal Court as that. Why, we might have three Puisne Judges in the Upper Court, over-ruling three Puisne Judges in the Court below; or we might have a greater number of Judges of superior ability in the Court below over-ruled by a smaller number of Judges of less authority. He could not part with the jurisdiction of the House of Lords and of the Exchequer Chamber for such a Court as that. The Court of Final Appeal ought not to consist of fewer than five Members under any circumstances, if there were to be three Members in the Court below. *Ex officio* Judges were also a mistake; we ought to have Judges whose attendance could be counted upon, and who could be required to attend. One of the great evils of the House of Lords was that there was no power of compelling noble Lords to attend, and, therefore, one never knew who would be there. His Amendment was directed against those distinctions in the Appellate Court, and to make it consist of Members whose attendance could always be relied upon. He would remove the present Chief Justices, the Chief Baron, and the Master of the Rolls altogether out of the Court of First Instance, and put them in the Appellate Court, and appoint as their successors the ordinary Judges of Appeal. In that way we should get a homogeneous Court of Appeal, of which the Lord Chancellor should be President, and the Lord Chief Justice of England Vice President. The Chief Justices, the Chief Baron, and the Master of the Rolls should continue in receipt of their present salaries, and their successors fall to the level of the rest of the Court. With them, he would associate four

*Mr. Vernon Harcourt*

Judges of the Privy Council, two Lords Justices, and two Scotch and Irish Judges, and such of the ex-Chancellors as they could command the services of. That would form a fixed permanent tribunal, upon whose attendance we could count, and a Court which would command great respect. If they had three ex-Chancellors to attend, that would give them a fixed Court of 15; without them, it would be a Court of 12, and each division would never be less than five. Having offered those observations on the Court of Appeal, he would now proceed to say a few words with respect to the Court of First Instance, as proposed by the Bill. He apprehended that the object of the authors of the Bill was to do away with all distinctions of jurisdiction—to merge the Courts of First Instance into one homogeneous and harmonious whole, and give it universal jurisdiction, and in that he entirely concurred. That was done absolutely in the first four clauses of the Bill, but what he complained of was that in later clauses, that work of amalgamation was undone. It was like Penelope's web. A web was woven all night in order to be undone the next day. Why, in the name of common sense, were the Lord Chief Justice of Common Pleas, the Lord Chief Baron of the Exchequer, or the Master of the Rolls to be continued? It appeared if the Bill passed as it stood, the whole attempt which it made towards the fusion of Law and Equity would become in the end, a mere nullity. He was willing to agree to any arrangement of a transitional character to meet the present difficulties; but if they looked at the 5th clause they would find that it perpetuated and stereotyped the distinctions in the existing system. What was the object of these Divisions? The hon. and learned Gentleman said, very truly, that business must be distributed. Of course, it must; but to do that it was not necessary to stereotype Divisions of that character. They left the Court of Appeal to distribute its business according to time and circumstances, and why ought not the Court of First Instance to be allowed to act likewise? The reason for maintaining the offices of Lord Chief Justice of the Common Pleas, Lord Chief Baron of the Exchequer, and Master of the Rolls appeared to be a matter of sentiment. The hon. and learned Gentleman said he

did not like to change ancient names; but he was not so weak upon the ancient jurisdiction of the House of Lords. The fact was, the Bill had been spoilt by that desire of maintaining the dignity and the existence of these separate Chiefs in separate Courts. Looking at the measure from that point of view, it was not, he considered, that which the Government had originally intended to propose, but it had been modified to gratify the feelings of the Chief Judges of the Common Law Courts, and it was rather strange that there would be a Chief Baron without any Puisne Judges. The patronage clause would also show the spirit in which the measure had been framed. By the 80th clause the patronage of the Lord Chancellor, of all the Chief Judges, and of the Master of the Rolls, was to be exercised as heretofore, but the patronage of all the Puisne Judges was to be exercised in such manner as Her Majesty might by Sign Manual direct. Why was all the patronage of the Puisne Judges to be placed at the disposal of the Sign Manual? He ventured to suggest that all difficulty would be removed with reference to the maintenance of the dignity, emolument, and offices of the chiefs of the Divisions by removing them into the Appellate Court. These Chiefs of Divisions were of no use at all. Over whom was the Master of the Rolls to preside? By an Amendment he (Mr. Harcourt) perceived that the Master of the Rolls was to be made President of the First Division of the Court, but the Judges in Equity sat alone. The fact was that as the Lords Justices were going up to the Appellate Court, he would have to preside over himself, no doubt with great satisfaction to himself and the public at large. Why the thing was ludicrous in the extreme. To keep him to do the work of a Vice Chancellor, with no difference but in name, with a higher salary and dignity, savoured much of what might be called a job. A few words as to the financial results of the Bill. He ventured to say that the financial character of the Bill entirely depended upon keeping or doing away with these Divisions. If we kept these Divisions, we prevented that distribution of business to the best advantage, and that economy of labour which we could only get by having all the Judges on an equal footing without Divisions,

so as to be able to distribute them to the best advantage. Moreover, if they could weld Equity and Common Law into a homogeneous whole, they would accomplish much, but that could not be done, if these Divisions were maintained. As to the consent of the hon. and learned Gentleman to provide for an increase of the Judicial Staff in Equity, he (Mr. Harcourt) regarded it as a sort of sop to the hon. Member the Cerberus for Denbighshire (Mr. Osborne Morgan). It was absurd to suppose that to enable a Common Law Judge to administer justice in a case in which an Equity question arose, it would be necessary for an Equity Judge to sit beside him to "coach" him in Equity. It was said, that the Common Law Judges knew nothing of Equity, and therefore it was supposed that by such a course, they would have to administer Equity under the guidance of an Equity dry-nurse, placing them very much in the condition of lay Lords in appeals in the House of Lords, who had a lawyer between them, who whispered in their ears what they were to say. The provisions of the Bill did not provide for what he called a fusion of Law and Equity, and the proposal of an Equity Judge for each of the Common Law Divisions was anything but a complimentary commentary on the scheme for legal education which was proposed last year by the present Lord Chancellor? He (Mr. Harcourt) did not admit that those who had received a good legal education were incapable of administering both Law and Equity. The hon. and learned Solicitor General, who was an Equity lawyer, and had never studied Common Law, never felt any difficulty in giving an opinion on rating or anything else, without a moment's hesitation, although sometimes he was not correct, as in a recent case, when he said that misdemeanour was punishable with three years' imprisonment; but that, no doubt, was a venial error in an Equity barrister. The late Mr. Justice Willes, who had perhaps never been in a criminal Court in his life before his appointment as Judge, was enabled by a few months' study of "Russell on Crime," to become as competent to administer the criminal law as any barrister who had extensively practised at sessions. He, therefore, could not accept the statement, that a Common Law Judge was not capable of admini-

nistering Equity without the assistance of an Equity dry-nurse. They had passed an Act to enable County Court Judges to administer Equity business, and yet Common Law Judges were not thought fit to do the same without having a "coach" beside them. If the Common Law Judges were incapable, who was to "coach" them? There must be some additional Judges to teach them their Equity lessons. How and when were the three Equity Judges who were to "coach" the Common Law Judges to be appointed? Were they to wait, until vacancies arose, in which case the public would suffer; or were they to be appointed at once, which would materially increase the working expenses? They could not arrange when the right man was to die, in the right direction, at the right time, to make a vacancy, and two things must happen: either they must create three additional Judges, or if not—four not being able to do the work of the country—the fusion of Law and Equity must come to an end. The hon. and learned Member for Denbighshire wished to have three additional Judges appointed in Chancery, but there was no provision to that effect in the Bill. If they made the whole of the Courts homogeneous they might do a great deal more work with fewer Judges; but before they proceeded much further with the Bill some estimate should be laid before the House of what was expected to be its financial consequence. He had looked at it very carefully, and he believed that, like all other measures of Law reform, it would only lead to an enormous increase in the Vote for Law and Justice. In all the Law reforms he had witnessed, he had invariably observed them accompanied with the creation of new offices. The same was the case here. The old places were kept up, new ones were created, and the expenditure enormously increased. If they wanted to establish a real fusion of Law and Equity, they must make a real fusion of the Staffs between the Common Law Courts and the Equity Courts. One great matter, which was at the bottom of all Law reform, was not dealt with by this measure at all, and that was the position of the Lord Chancellor. As long as they kept the head of the great judicial system in the position of a political officer, changing according to

the vicissitudes of party, they would never have a judicial system worthy of the name. One of the necessary consequences of the passing of the Bill would be a reform in the office of Lord Chancellor; for it was impossible that one man could properly perform the duties of a Cabinet Minister, the Head of the Court of Appeal, a Judge of the First Instance, a man who had to look after clerical magistrates, to appoint clergy, and to see to lunatics, and all the miscellaneous duties which belonged to the office of Lord Chancellor. They were constructing a new system of Appellate Jurisdiction, with a weather vane at the top, changing with all the changes of party, and having decided on abolishing the Appellate Jurisdiction of the House of Lords there was no excuse for retaining the office of Lord Chancellor as a political office. The Bill had great merit in the object it aimed at, but it had great defects in its method of attempting to achieve those objects. He should like to remedy the defects of the existing system, but he was not at all disposed to accept the proposal that they should pass anything just because it was a reform. There was an attempt to deal summarily in getting through what might be said to be the only Bill of the Session; but that it was the only Bill of the Session, was the very reason why they should try to make it a useful measure, for the country had been 20 years getting a practical measure of Law Reform at all, and after this Bill passed it would probably be many years before the subject would be taken up again. It was said that the Bill contained powers of transformation, by which a great deal might be effected which the Bill did not do, because there were a number of influences at work which had deterred the Government from proposing to deal with them by the Bill. But would not these very influences prevent the Government from using the powers of transformation which the Bill contained? He wished the Bill had been framed with a bolder hand, and thought it was the duty of the House to strengthen the hands of the Government so as to enable them to make the Bill complete, and not to lose the best opportunity Parliament had ever had of passing a measure of Law Reform.

MR. HUNT believed that if the Motion of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) had been proceeded with, the defects of the measure would have proved so glaring that it would have been impossible for the Government to resist the proposal. He was never more surprised than when he heard the Prime Minister ask the House to go into Committee as upon an English Bill, with the understanding that when a particular clause was reached it should be turned into a Scotch and Irish Bill as well. There was some excuse for the faults of the measure in the part relating to the Appellate Jurisdiction, they had not the advantage of the same assistance from the Judicature Commission which they had enjoyed with respect to other portions of the Bill. He had always regretted that the question of the appellate jurisdiction of the House of Lords was not referred to that Commission. They had now arrived at the question—what they were to do? The right hon. Gentleman at the head of the Government invited the House to proceed with the Bill as it stood in Committee, with the intention of entirely altering it, as regarded the question of the appellate jurisdiction, on the Report. If they were to proceed on the assumption that the appellate jurisdiction was only to deal with English litigation, and were afterwards to deal with it as affecting Ireland and Scotland also, the House might just as well not have gone into Committee at all. The course proposed reminded him of a letter which, having given very minute instructions as to what was to be done, followed them up by a postscript saying—"Consider this letter as not written." The right course, as it appeared to him, had been suggested by his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli)—namely, to adjourn the debate now, so as to give the Government an opportunity of placing such Amendments on the Paper as might in their view make the Bill applicable to Ireland and Scotland, and then to instruct the Committee to alter the Bill accordingly. The right hon. Gentleman at the head of the Government and the hon. and learned Attorney General did not appear at one with respect to what was to be done. The right hon. Gentleman appeared to think that the necessary Amendments

might be easily effected, while the Attorney General spoke of them as difficult and complicated. [THE ATTORNEY GENERAL: Important, but not complicated.] He was in the recollection of the House. The hon. and learned Gentleman intimated that it would be necessary to have communications with persons in different parts of the United Kingdom as to the alterations to be made, and therefore that there would be delay. If the Amendments to be proposed were many and important the House ought to have them before going into Committee; on the other hand, if the Amendments were few and simple a very short time would suffice to enable the Government to put their views before the House. The greater part of the Bill was based upon the recommendations of the Judicature Commission, and therefore had his entire approbation; but he wanted to deal with the matter in a practical way. With regard to the 6th clause, for instance, which related to the constitution of the Court of Appeal, unless the House discussed it with reference to the appellate jurisdiction of that Court for all parts of the kingdom, it would be utterly impossible to deal with that clause at all. The clause dealt with three classes of Judges—*ex officio*, ordinary, and additional. The number of which the Court was to be composed must have reference to the business to be transacted, and if the appeals from Ireland and Scotland were to be added to the appeals contemplated when the Bill was drawn, Her Majesty's Government would have to state whether that additional business would not in their opinion require additional Judges. It was proposed that there should be five *ex officio* Judges of the Court of Appeal—the Lord Chancellor, the Chief Justice of the Queen's Bench, the Master of the Rolls, the Chief Justice of the Common Pleas, and the Chief Baron. Then came the question how many *ex officio* Judges the Court was to have from Ireland and Scotland. If the number of *ex officio* Judges was increased, then the point would be raised whether their number would not be out of proportion to the number of the ordinary Judges. There was also an important clause, the 50th, which provided that the Court might sit in sections. Now, great difference of opinion existed as to whether the Court should sit in sections; but if it were determined that it should, the

question would arise whether there should be a Scotch and Irish Judge in each section. There were no fewer than 26 Amendments on the 6th clause at present, but with the views announced by the Government he ventured to predict that several other Amendments would be added by Scotch and Irish Members. He felt it would be so utterly a waste of time to go into Committee until they had the Amendments of Her Majesty's Government on the Paper, that he begged to move that the debate be now adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(*Mr. Hunt.*)

MR. HENLEY wished, before the question of adjournment was decided, to call the attention of the House and the Government to one part of the Bill which seemed to be unfair and unjust to the Common Law Judges, and he had reason to know that those eminent and learned persons had that feeling themselves. By the Bill the Government constituted a High Court of Justice, and it was evidently their intention that those who composed it should be on an equality with regard to salary, because the Government bringing into that High Court of Justice one eminent person who received a much lower salary than the others, had raised his salary to the nominal amount which the other Judges received. The Common Law Judges attached to that Court, however, instead of being in receipt of £5,000 a-year, would, after paying certain necessary expenses, be in the inferior position of receiving only £4,500 a-year. The circuit business was daily increasing, and it was of the greatest importance that the Judges should be the most able and eminent men that could be got; but it was not likely that the services of the best men of the Bar could be obtained for that low sum. Another matter ought not to be lost sight of—namely, that these Judges would have to bear the circuit expenses, not only personal, but of the necessary staff. The salaries were fixed 40 years ago, and had relatively decreased, whilst the business cast upon these Judges had vastly increased. It would be most unfortunate that this experiment in its first trial should be attended by heartburnings, or any sense of unfairness on the part of any of the

Members of the new Court; and he would appeal to the Government to consider that for a very small additional expense they might put all the Judges of the High Court upon an equal footing.

THE SOLICITOR GENERAL observed that the reason why his hon. and learned Friend the Attorney General had objected to the adjournment of the debate was, that he apprehended it would interpose no inconsiderable delay in the progress of the Bill, and he hoped he was expressing the opinion of both sides of the House when he said that was not their desire. The sole reason for delay was that it was said, or supposed, that the alterations that would require to be made in the Bill would be of a structural and extensive character, and could not be readily adapted to the Bill after it had passed through Committee. That was not so. His right hon. and learned Friend the Lord Advocate had gone carefully over the Bill; he had himself done the same; he believed only four clauses would require any alteration, and in these four a very slight amount of alteration was all that would be necessary. The Bill dealt largely with alterations in the constitution of the present English Courts of Appeal and First Instance, but the Government did not propose to interfere in the slightest degree with the judicature of Ireland and Scotland. All that was proposed to be done in acceding to the terms of the Amendment of the right hon. Gentleman the Member for Kilmarnock (*Mr. Bouverie*) was to transfer to the new Appeal Court the appellate jurisdiction now exercised by the House of Lords with regard to appeals from Ireland and Scotland. Two or three lines would be sufficient for that purpose; and the other alterations, which were simply with regard to the number of persons and the qualifications of the persons who would have to be added to the Court of Appeal, could be effected by a stroke of the pen. Perhaps the House might be in possession of the views of the Government by the time it arrived at the 6th clause, but even if it were not, it would be perfectly practicable and easy to settle the principle of the clause. It was suggested that there was a difference of opinion as to the Appellate Court sitting in sections, but it would be quite impossible for a single Court to dispose of any reasonable

*Mr. Hunt*

proportion of the business without sectional sittings. Nothing would be easier than to determine the number of the Judges of the Appeal Court having reference to England alone, and, afterwards to decide what addition should be made for Scotch and Irish appeals. There were to be provided for the present English appeals to the Court of Appeal in Chancery, the Exchequer Chamber and the House of Lords. It had been said that in the case of the Scotch appeals, a Scotch Judge must be attached to the section which would have to hear those appeals. The number of appeals to the House of Lords each Session did not exceed 25, and it would be easy to place a Scotch Judge in the section before which they would be brought. If the House would go into Committee, they would not find any of the difficulties which had been suggested, insurmountable or even serious. He purposely abstained from replying to the long speech which the hon. and learned Member for Oxford (Mr. Harcourt) had evidently prepared for the second reading of the Bill, both because time would not allow of his doing so, and because he intended to deal with some of its criticisms in Committee. He hoped the House would not delay the Bill merely for the sake of ascertaining beforehand the exact terms of the Amendment the Government wished to make.

MR. NEWDEGATE protested against such extensive changes being made in the principle of the Bill, without due Notice having been given. The Amendments which were spoken of as only requiring a stroke of the pen would be essential alterations in substance, as much as substituting the name of the American President for that of the Queen in an Oaths Bill. He hoped the House would not consent to proceed any further with the Bill, at all events, until it should be seen what was the scheme of the Government with respect to the constitution of the Final Court of Appeal, that being the point upon which everything turned.

MR. MATTHEWS protested against proceeding with the Bill until the scheme of the Government should be placed upon paper. The hon. and learned Solicitor General would not deny that the Amendments of the Government were important; and surely the Govern-

ment were not going to alter our whole judicial system without having a scheme of their own. Did they know what changes they were going to propose? If so, why need any time be lost? Were Scotland and Ireland to retain their intermediate Courts of Appeal—for they had them—while those of England were swept away? Was it intended to do away with the Irish Court of Exchequer Chamber? [THE SOLICITOR GENERAL: I stated that we proposed no such alterations.] In any case, what was the use of discussing Amendments on the subject of the number of Members of the Court of Appeal, if the number must be altered when the whole scheme of the Government was produced? If intermediate appeals were to be retained in Scotland and Ireland, it was manifest that English rules would not be applicable to Irish and Scotch appeals, and the Bill would have to be remodelled in a great measure. Time ought to be allowed to hon. Members to consult their constituencies on the subject. Before the Committee of the House of Lords the Lord Advocate had said—

“In my opinion, taking into account all I have heard from others upon the subject, to allow an appeal from the Scotch Courts to any tribunal other than the House of Lords would offend the sentiment of the Scotch people.”

He believed that the Irish people would also object strongly to appeals from the Irish Court of Exchequer Chamber going to any such Court of Appeal as that proposed in the Bill.

Question put.

The House divided:—Ayes 170; Noes 192: Majority 22.

Question again proposed, “That Mr. Speaker do now leave the Chair.”

MR. RAIKES said, that, having had no opportunity of expressing his views on the second reading of the Bill, he wished to make a few remarks with regard to the Amendments which he had put on the Paper, as well as on the position in which the House had been placed by the course which the Government had taken with respect to the measure. He presumed from the course which the Government had taken that they were prepared to revolutionize the system of procedure, not only in the English, but also in the Irish and in the Scotch Courts of Law, otherwise we should be placed in the extraordinary

position of having new rules which would have effect under the Court of Appeal in England, but would not have effect in the Irish and Scotch Courts of First Instance, so that decisions in the latter would often be quashed in the former. The Bill also provided for an alteration of the law which had hitherto prevailed in the Admiralty Courts. In fact, upon that subject a change of law was proposed, largely affecting international questions, and at variance with the rules generally recognized by civilized nations, so that there was danger of our getting involved in all sorts of international difficulties. In like manner if they were to make the new Court of Appeal the Court of Appeal for Ireland and Scotland, they would also have to make the 22nd clause extend to the proceedings which had to be taken in all the inferior Courts of both countries, and that would necessitate the re-modelling of the whole Scotch law of which that House was profoundly ignorant. Another point required careful consideration. There was a general opinion that a Minister of Justice was required in this country, and there was an almost equal *consensus* of opinion that the Lord Chancellor should be that Minister. But that duty could not be imposed upon him when the Bill burdened him by making him President of the Court of Appeal and of the High Court of Justice. In his opinion, it should have been the object of the Bill gradually to withdraw the Lord Chancellor from judicial functions, and concentrate his attention upon his political duties. He had, therefore, given Notice of an Amendment to take the Lord Chancellor from the High Court of Justice, and leave the Lord Chief Justice of England as President of that Court. In the course of time, the Lord Chancellor might probably come to be as little connected with the Court of Appeal as the Chancellor of the Exchequer was with the Court with which he was nominally connected. One anomaly would strike most hon. Members. The Court of Appeal was to supersede the Privy Council for Indian Appeals, and yet it was to be so constituted that Her Majesty would be unable to call to it any Judge who had been a Judge in India until there had been a death vacancy among the first Members of the Court. He therefore proposed that it should be competent to Her Majesty to

nominate as additional Members any Judges who had held judicial offices in India qualifying them now to be Members of the Judicial Committee. Another anomaly in the Bill was, that it ignored the head of the Common Law in Ireland, and made him ineligible as a Judge of the Court of Appeal. That slight ought not to be cast upon him. He submitted that in addition to the Judges named, the Lord Chief Justice of Ireland should be appointed to take part in the judicial proceedings of that tribunal. He was glad to see that the Attorney General proposed to remove the business of the Court of Bankruptcy from the already overworked Court of Chancery; but he regretted that it should have been transferred to the Court of Exchequer, instead of to the Fifth Division, which might be made a much more useful body than it would be under the Bill. The Fifth Division would consist of the Judges of the Probate and Admiralty Courts, whereas each of the other Divisions would consist of five Judges. He proposed to transfer three Common Law Judges to the Fifth Division, and assign to it the Bankruptcy business and the trial of Election Petitions, as well as the Probate and Divorce cases. That Court would then have to decide upon the personal *status* of parties; it might almost be called a Correctional Court. He had taken this opportunity of explaining his Amendments *en bloc*, hoping that they might thus be more clearly understood and better considered.

MR. BOURKE said, the questions in issue were of great importance, requiring consideration, and he would therefore move the Adjournment of the House.

MR. SPEAKER said, the Question before the House was, that he do now leave the Chair.

Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Preamble *postponed*.

*Preliminary.*

Clause 1 (Short title) *agreed to*.

Clause 2 (Commencement of Act).

MR. BOURKE, in proposing as an Amendment, that the Act should commence in November, 1875, instead of 1874, said, he thought the Bill could not be satisfactorily framed, unless the House knew exactly what was going to

*Mr. Raikes*

be done with the County Courts. The question of the County Courts had been considered by the Judicature Commission, and dove-tailed into the larger question of the Supreme Courts. The Bill proposed to introduce great changes with regard to the circuits. The arrangements recommended by the Judicature Commissioners with reference to the County Courts would materially interfere with the circuits. Therefore, he thought no alteration ought to be made in the circuits until those arrangements had been considered. By the Bill Law and Equity were to be fused in the Superior Courts; but the County Courts were to continue to sit as Courts of Law and as Courts of Equity. If, however, the jurisdiction of the County Courts was to be changed, that would alter the opinion of hon. Members as to the necessity of appointing additional Judges. The right hon. Gentleman the First Commissioner of Works had recommended that commercial cases should be tried by Tribunals of Commerce in connection with County Courts. He should like to know whether that recommendation was likely to be adopted, because if it were adopted, the number of County Courts would have to be doubled, and the necessity of appointing additional Superior Judges would be diminished.

Amendment proposed, —

In page 1, line 15, to leave out the words "one thousand eight hundred and seventy-four," and insert the words "one thousand eight hundred and seventy-five,"—(*Mr. Bourke*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL said, that with the greatest respect to the hon. and learned Gentleman, he could hardly think he was serious in proposing that the operation of the scheme for the improvement of the Superior Courts should be delayed until an alteration was made in the County Court system.

Question put.

The Committee divided:—Ayes 65; Noes 25: Majority 40.

Clause agreed to.

Clause 3 (Union of existing Courts into one Supreme Court); and Clause 4 (Division of Supreme Court into a Court of original and a Court of appellate jurisdiction), agreed to.

Clause 5 (Constitution of High Court of Justice).

SIR. RICHARD BAGGALLAY proposed as an Amendment in page 2, line 12, after "follows," to leave out the words "the first Judges thereof," and insert "there shall be five ex-officio and eighteen ordinary Judges thereof; the ex-officio Judges." The object he had in view in proposing that and other Amendments, to follow in the same clause, was in the first instance to define the constitution of the Court, and then to declare who should be the first Judges appointed to it. This was the course proposed to be adopted in Clause 6, with reference to the Court of Appeal, and it was desirable that there should be uniformity. If the Amendments were carried the Court would include the additional Vice Chancellor provided for in the Bill as it came down from the House of Lords.

THE SOLICITOR GENERAL, in opposing the Amendment said, that as to the appointment of an additional Vice Chancellor, the Government were of opinion that it would not be expedient to make such an appointment. No mention was made of it in the Bill as it originally stood, and the provision with regard to it was made on an Amendment moved in the other House of Parliament by Lord Cairns, under a misapprehension by that noble Lord of what was intended to be done as to the Master of the Rolls. He had since looked into the question very carefully, and he was quite prepared to admit that if an additional Vice Chancellor were needed, considerations of the mere saving of money ought not to be allowed to enter into the matter. The cost was, at the same time, by no means an immaterial element in the question, and he found that an additional Vice Chancellor, including his staff of clerks, secretary, train-bearer, and other officers, would cost £15,815, besides a charge for pensions which would not be immediate, of about £4,000, making a total of nearly £20,000 a-year. The next point to be considered was, was the new Vice Chancellor wanted? For, if so, even £20,000 a-year ought not to be allowed to stand in the way of his appointment. Lord Cairns gave several reasons in favour of his proposal, alleging, among other things, that there was a large accumulation of business and very large



arrears, which were increasing, in the Court of Chancery. He thought, however, he should be able to satisfy the Committee that the business of the Court had not increased, and the arrears were not increasing. In a letter to *The Times* from a practising solicitor, it was stated there were 507 cases standing for hearing before the Court of Chancery, and that it would take three years to get through them. Now, at the average rate of proceeding, the Court of Chancery disposed of upwards of 1,000 long causes in each legal year, or nine months' sittings, and instead of occupying three years, the 507 causes in question would occupy only four months and a-half. In proof that there was no increase of arrears within the last five years, the Master of the Rolls had twice to his certain knowledge, and he believed thrice, risen for want of business; and Lord Hatherley's experience when a Vice Chancellor was of a similar character, for he had also risen during that period from the same cause. Again, the Government intended to appoint three lawyers acquainted with Equity to the Common Law Courts, and if there was any accidental pressure, it would therefore be possible to relieve it by sending an additional Judge to the Chancery Division. Another objection raised, was that when evidence was taken *videlicet*, this would necessarily lengthen the time occupied by causes, and therefore they would not be able to dispose of as many causes in the Court of Chancery as they had been in the habit of doing. But he was not at all certain of that. The great causes which took a long time in hearing were generally of two or three classes, such as infringements of patents, obstruction of ancient lights, and the like. These, however, were properly Common Law actions, and ought never to come into Equity at all. Under the new Bill, they would be tried in the Common Law Courts, and he did not believe, when they took away from it all the Common Law actions, that the business of the Court of Chancery would be at all increased by introducing *videlicet* evidence in the rare cases where it was wanted in an Equity suit. Moreover, the Chancery Division was not meant to be permanent, but merely transitional; and it was hoped in a short period, perhaps about 10 years, to obtain this result—that both practi-

*The Solicitor General*

tioners and Judges would have become sufficiently familiar with the principles of Equity to administer it in a satisfactory manner in all the Courts. Something might be done in the meantime to diminish the arrears. Even now the whole number of causes ready for hearing could be disposed of in about four months. The number of arrears must be distinguished from the number of causes set down for hearing, and if the Judges sat six weeks more, in two years he believed they could dispose of the whole of the arrears. The Court of Chancery sat 27 weeks, and it would be no great hardship if it sat three weeks more in each year. The Return which he had obtained would bear out his statement that the business of the Court of Chancery was not increasing. The total number of causes set down for the five years ending Michaelmas, 1871, averaged about 2,000 a-year. The number set down for 1867 was 2,108, and for 1871, 2,194. Of those about three-fifths were long causes. The average number disposed of each week was 82, of which 50 were long causes. Then, again, the Petitions filed, and which were what was called Attendable—that was to say, not Petitions of Course—amounted in 1863 to 2,673, while in 1871 they amounted to 2,430, being 600 below the highest number reached in any intervening year. The total number of special orders of all kinds made on Motions, Causes, and Petitions in 1862 was 5,753; in 1871 it was 5,863; and it varied between those figures from 1863 to 1870. The Return as to bills filed further bore out the assertion that the business of the Court had not increased. In 1862 the number of bills filed was 2,177, whereas in 1871 it fell to 2,015. He might be told that, although the work to be done had not increased, there were at the beginning of Easter Term 46 causes more in arrear, but that had arisen from the fact that one Judge had retired from failing health, and another was, unfortunately ill. The Returns showed that there had been no increase worth mentioning in Chamber business during the five years from 1868 to 1872. The Court of Chancery had been for some years oppressed by orders for winding-up public companies, but that business also was slowly wearing out. The result of his statistics was that in no branch of

Chancery business had there been any increase, and that there had been no increase of arrears except during the last five months, and no increase even then when compared with the commencement of the previous five years. There had, therefore, been no increase in the total business in Chancery requiring the aid of an additional Judge. The increase in the last few months had been partly owing to the painful circumstances which he had already mentioned, and partly to accidental causes and the great complaints had arisen from the fact that at Trinity Term this year there was set down for hearing the largest number of causes that had been known for some years, being 74 more than at Trinity Term last year. He did not believe there was any great Court of Judicature in the world which could give so good an account of itself with respect to arrears as the English Court of Chancery. A single cause might from various circumstances get behind; but the average length of time a cause remained in that Court was not six months from the time it was set down—an interval which his learned friends in the Common Law Courts told him would compare very favourably with the progress of business there. He submitted, then, that no case had been made out for the appointment of an additional Judge. He was satisfied, with Lord Hatherley, that with ordinary industry on the part of the Judges, and with the ordinary run of causes, there would be no necessity for this additional Judge. And he saw no reason to doubt the possibility that by the time this Bill came into operation as an Act—namely, by November, 1874—the Judges might rise before Christmas in that year for want of business. For these reasons he trusted the Committee would negative the Amendment.

MR. GREGORY said, he was very much surprised at the speech of the hon. and learned Solicitor General, and he had no doubt the public would be equally surprised. That was said to be a Bill for the fusion of Law and Equity, and for the relief of the suitor, by saving him from being bandied about from one Court to another. But was that a Bill for the fusion of Law and Equity? It could not for a moment be thought so. For what did the hon. and learned Gentleman say? That we were to hope that, by means of the Bill, in the course of 10

or 12 years the practitioners would be so educated in its principles that they would be able to carry them into effect. Therefore, that was a Bill for the education of Judges at the expense of the suitor, who in the meantime would be bandied backward and forward, as it was said he was now. He ventured to think that the discussion which had occurred that evening would give the public a very different opinion regarding this Bill from that expressed by the hon. and learned Gentleman.

MR. OSBORNE MORGAN said, he had listened to the speech of the hon. and learned Solicitor General with a feeling of astonishment. It appeared to him to be an apt illustration of the saying that there was nothing so fallacious as figures except facts. He had undertaken to prove two propositions—first, that there was no present block in the Court of Chancery; and secondly, that the business of that Court had not sensibly increased of late years. Now, in the Court in which he (Mr. Osborne Morgan) practised—that of Vice-Chancellor Wickens—they had not touched a single new cause since Easter, having been occupied for the last two months and a half in disposing of Motions, Petitions, and Further Considerations. During the same period the Court of Vice-Chancellor Malins had been occupied in hearing nothing but Motions, Petitions, and Summonses. The fact was, there never was such a block in the Court of Chancery as at present. The number of causes set down for hearing last Term were no fewer than 600; 150 more than were ever set down for hearing at the same time of the year before. With regard to the increase of business in the Court of Chancery, his hon. and learned Friend had quoted Returns for five years only, beginning with 1867, which was an exceptional year. But a wider area should be taken. During the last nine years the number of causes set down had steadily increased from 1,844 in 1863 to 2,275 in 1871—an increase of 431, or 23 to 24 percent. Such an increase would justify an increase of the staff to the extent proposed by his hon. and learned Friend the Member for Mid-Surrey (Sir Richard Baggallay). But it was in Chambers that the chief pressure of business had been felt during the last few years. The amount of business transacted there had in-

creased between 60 and 70 per cent, and it was obvious, seeing that there had been no increase in the staff of officials, that the same amount of care and time could not have been bestowed on the work done. The Judges were worn out with Court work before they went into Chambers, and the rapid way in which the work done there—sometimes quite as important as that which was transacted in Court was disposed of—had given rise to a wide-spread belief that business in Chambers was being “scamped.” The business had increased to so great an extent that some of the Judges had absolutely broken down under it—they could not go on any longer under such a terrible strain. Under these circumstances, he thought it a most reasonable demand that the strength of the Court should be re-inforced in proportion to the increase of business.

MR. C. E. LEWIS, after referring to the sweeping character of the changes made in 1852 in the Court of Chancery, said, that Bill went to the opposite extreme, crystallized the present system in its worst possible form, kept everything in the old groove, and even aggravated matters by allotting to Equity, causes in which Courts of Common Law exercised an effective jurisdiction—such as the rectification and cancellation of deeds and cases of specific performance of contract. If the 31st clause were to stand, moreover, no case was made out for the appointment of an additional Vice Chancellor. Three classes of cases were mainly chargeable with delays in the Court of Chancery—namely, patent cases, air and light cases, and cases connected with the sewage arrangement of large towns. He wished to refer to one scandal connected with the transaction of Chamber business in the Court of Chancery. Few hon. Members were aware of the way in which Vice Chancellors were driven to conduct their business. They had to dispose of it at 3 or 4 o'clock in the afternoon, after a heavy day's work, and some of the business was really important—such as the custody of infants and the maintenance of wards, and it ought to be transacted by a Vice Chancellor sitting in Chambers one day a-week. He, therefore, hoped that some provision would be made for compelling Judges of the Chancery Division to sit regularly in Chambers, not at the fag

end of the day's work in Court, but separately, on certain days throughout the legal year. He was not impressed with the statistics of the hon. and learned Solicitor General. At least, it would be a novel experience to find 507 litigated causes disposed of in four months and a-half. Neither did he agree with him that they ought to congratulate themselves upon the speed with which business was disposed of in the Court of Chancery. The fact was, that the state of business in that Court was most unsatisfactory, though no doubt there were now exceptional causes for that state of things. Unless the 31st clause was altered in Committee—and he did not anticipate it would be—he could not vote for the appointment of an additional Vice Chancellor.

MR. HINDE PALMER wished to know whether the House of Commons ought to reverse the decision of the House of Lords, with respect to having an additional Judge of the Court of Chancery? He believed that an additional Judge was absolutely essential to the fair working of the measure; and in order to get rid of the arrears which had accumulated; and, therefore, although he was strongly opposed to any unnecessary expenditure of the public money, he should vote for the addition, believing that the expense of delay in the Court of Chancery was of more importance than the expense of the additional Judge.

DR. BALL said, he should support the proposition in favour of the appointment of an additional Judge, because he thought if two changes were made in other parts of the Bill, everybody would perceive that there ought to be an additional Judge in the First Division. There were six Judges in the Chancery Division, whereas the other Divisions only had five. Now, he would remove the Lord Chancellor from the First Division, because he held a strong opinion that the Appellate Judges ought not to sit in the Courts of First Instance, from which the appeals came. Under the present arrangement, the Lord Chancellor of England would actually be liable to have his judgment reversed in that Appellate Court by three Puisne Judges taken out of the Law Courts, and appointed to the office of Lord Justice. He maintained that the Lord Chancellor ought not to be brought into so humili-

ating a position, and consequently he would take him out of the First Division. There was another change which ought to be made. The 14th section excluded from the operation of the Bill the Equity jurisdiction of the Court of Appeal in Chancery of the County Palatine of Lancaster. Now, if the business of that Court were transferred by the Bill to the new Court, there would be an increase of business which the hon. and learned Solicitor General had not alluded to at all, and if the business were not transferred, why should it not be? [The SOLICITOR GENERAL said the original jurisdiction remained.] If that were so, the 22nd section made ten changes in the law which would not operate in the Palatine Court. Why should the exceptional jurisdiction of that Court be preserved? He submitted to his hon. and learned Friends, that they would promote justice by making the changes he had indicated, and they might then leave the additional Judge who had been introduced by the Lords.

MR. W. FOWLER thought the taking of all the evidence in Chancery *videlicet* would involve a large amount of additional work in the Court, and strongly condemned the proposal that actions might be directed to be tried at Law after proceedings had been commenced in Equity. Having listened to the statistics of the hon. and learned Solicitor General, and to the practical argument of the hon. Member for Londonderry (Mr. C. E. Lewis) he was decidedly of opinion that the additional Judge was necessary. The bankruptcy business would require another Judge unless the present block in that part of the business was to continue, and if business which properly belonged to a Judge was no longer to be transacted by Registrars. He was informed that the Government had a new plan in reserve by which Chamber business was to be conducted by gentlemen perfectly competent to discharge the duties, although they were not so highly trained as were the Judges, and he trusted that some legal authority on the Treasury bench would explain that plan to the Committee. In his opinion, the present state of the Chamber business of the Court of Chancery was discreditable to the country; and, unless something was done to effect a satisfactory clearance of that business, more Judges must be appointed. He would suggest

that it would be better if the vote were taken on the proposal of the hon. and learned Attorney General, instead of on the Amendment of the hon. and learned Gentleman opposite (Mr. Raikes).

MR. F. S. POWELL hoped that the Equity jurisdiction of the County Palatine of Lancaster would not be abolished. As a native of the county, he could assert that its abolition would be regarded with dismay.

MR. SERJEANT SIMON said, much might be said in favour of the retention of the Court of the Counties Palatine of Lancaster and Durham; but at the same time, if there was to be a fusion of Law and Equity, he could not see why these Courts should be preserved. As to making an additional Vice Chancellor he did not see the necessity for that if the Bill should pass in its present form.

SIR RICHARD BAGGALLAY, in reply, said, that nothing could be more delusive than the hon. and learned Solicitor General's statistics. In opposition to those statistics, he submitted the actual number of cases in arrear on the same day in the years 1870, 1871, 1872, and 1873, and they were respectively 302, 461, 431, and 536. A Court of Equity, disposing of 50 cases a-week, with the evidence already taken, and a subsequent reference to Chambers to take voluminous accounts, was altogether a different thing from a Court of Common Law taking evidence and disposing of a matter once for all. The Judges ought to spend more time in Chambers, and they ought to do work which was now done by the chief clerks. He thought that the course which the present discussion had taken showed the inconvenience of proceeding with the consideration of the constitution of the High Court, before the Committee were in possession of the views of the Government with regard to the Court of Appeal. It was proposed that the Master of the Rolls should be made a Judge of the Court of Appeal, as well as a Judge of the High Court of Justice. In that case, either the Court of Appeal would lose the services of one of the Equity Judges, or they would have one of the Equity Judges shorn of the proper amount of time necessary for dealing with Equity cases in the first instances. With regard to the suggestion thrown out by some hon. Gentlemen, it certainly did appear to him that

it would be more convenient to take the decision of the Committee on the specific proposition of the hon. and learned Attorney General than upon his own Amendment. Accordingly, if the Committee deemed it desirable to decide the question upon a subsequent Amendment, he was willing to withdraw the Amendment. He did not himself desire to do so, but he placed himself in the hands of the Committee. ["No, no!"]

MR. VERNON HARCOURT hoped the Amendment would be withdrawn.

MR. GLADSTONE: No, no.

LORD JOHN MANNERS said, the hon. and learned Member was prepared to withdraw it; but the head of the Government had expressed his determination to prevent him withdrawing it, and so a division must be taken.

MR. VERNON HARCOURT said, he thought it would be highly inconvenient that the division should be taken on the Amendment, because some hon. Gentlemen, who might be disposed to go with his hon. and learned Friend the Member for Mid-Surrey (Sir Richard Baggallay) on the general proposition, would not be able to vote with him. At the same time, if the Government preferred that course, which was not generally considered the most courteous course, he hoped his hon. and learned Friend would allow his Amendment to be negatived without a division.

MR. GLADSTONE said, he was much obliged to the hon. and learned Member for Oxford (Mr. Harcourt) for the construction he put upon the motives of the Government; but there was no discourtesy in any hon. Member objecting to an Amendment being negatived, and there might be good reason for exercising the right on this occasion. The Business of the House would be seriously impeded, if a proposal was to be debated at great length and then withdrawn, without any opinion being expressed upon it.

*Amendment negatived.*

MR. RAIKES proposed, as an Amendment in page 2, line 12, to leave out the words "Lord Chancellor," with a view to restoring the Bill to its original form, in which the Lord Chancellor was not named as a Judge of the High Court of Justice. To save the salary of a Vice Chancellor by requiring the Lord Chancellor to sit in the Court below, was like

saving the salary of a Secretary to the Treasury by requiring the Prime Minister to discharge the duties of a Secretary. He thought it would not be conducive to the dignity of the Lord Chancellor to occupy the position of a Judge of First Instance, and be liable to have his judgments overturned by Judges of inferior dignity. The inconvenience of such a state of things might be seen in the practice of the existing Lord Chancellor who combined the function of Judge of a Court of First Instance and also of Appeal, for at present he was also acting Master of the Rolls, and by the present Bill there was a possibility of perpetuating such a system.

THE ATTORNEY GENERAL said, he could take no exception to the Amendment, as the Lord Chancellor was placed in that position by an Amendment proposed by Lord Cairns, in the other House, with the object of preventing the Lord Chancellor from being a stranger in his own Court. It was not an important matter, and although he preferred the Bill as it originally stood, it would in its altered shape, only leave the Lord Chancellor in the position he now occupied. At present, he exercised an original jurisdiction, and was liable to have his judgments appealed against to the House of Lords. There was nothing derogatory in the clause, and he thought it would be better to retain it as it was.

MR. OSBORNE MORGAN suggested that the Amendment should be withdrawn, and that the hon. Mover should wait until the Committee had decided how the 28th clause was to stand.

MR. VERNON HARCOURT pointed out that the Lord Chancellor, as the Bill stood, was not made President of the High Court of Appeal; but there was only a clause that the Lord Chief Justice should preside in his absence. He thought the original proposal of the Government was a far better one than the alteration made by the other House.

THE SOLICITOR GENERAL remarked that there existed a power in the Bill, by which the Divisions could be done away with by Order of Council. The Divisions were only temporary, and were intended to bridge over the time till the Act got into full working. There were several reasons why they should retain the Lord Chancellor in the clause.

DR. BALL supported the Amendment of the hon. Member for Chester (Mr.

*Sir Richard Baggallay*

Raikes) holding that it would be well to keep the Appellate Judges in their own sphere, and leave the other Judges in theirs.

THE ATTORNEY GENERAL said, that although he desired to defer as far as possible to alterations in the original Bill, made on the recommendation of so high an authority as Lord Cairns, he was not prepared to oppose an Amendment which agreed with the original view the Government took of the matter, and which met with the general concurrence of the Committee.

*Amendment agreed to; words struck out accordingly.*

MR. VERNON HARCOURT moved, as an Amendment, in page 2, line 13, the omission of the words "the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer." If the Committee adopted the clause as it stood, they would maintain and perpetuate Divisions of the Court which would virtually leave matters just as they were at present; for the clause not only referred to the high judicial functionaries in question now in office, but also to "their successors." It was, therefore, no temporary provision, but one that might be, and he believed would be, continued. His object was to make the Court of First Instance a homogeneous Court, and to strengthen the Court of Final Appeal by removing to it entirely, the Judges named in his Amendment.

*Amendment proposed, in page 2, line 13, to leave out the words, "the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer."—(Mr. Vernon Harcourt.)*

MR. SERJEANT SIMON supported the Amendment on the ground that if the Divisions were retained, they would simply result in a change of name. The principle of the Bill was the so-called, or he should say miscalled fusion of Law and Equity, and that object would be defeated, if its provisions were not altered in the direction which his hon. and learned Friend the Member for Oxford (Mr. Harcourt) had pointed out. If the proposed Divisions were established Equity and Law would be as distinct in the future as they were at present, and the Bill, if it became law, would simply

be a delusion. For who would commence an Equity suit in any of the Common Law Divisions whilst there was the Equity Division subsisting with its Judges specially versed in Equity learning, with all its officers and administrative arrangements adapted to Equity purposes just as at present? He differed from the Solicitor General in his interpretation of the 29th section. Under that section Her Majesty in Council it was true might, on the Report of the Judges, increase or diminish the present number of Divisions; but the same section gave power to increase as well as reduce the number of Judges attached to any Division, and there was nothing to limit the increase of appointments recommended by the Judges. It was said that in the course of time the Judges of the Common Law Courts would acquire such a knowledge of Equity as would qualify them to administer it; and, on the other hand, that the Judges of the Equity Courts would become equally competent to administer the Common Law; but he denied that the objects which the advocates of this part of the Bill had in view would be attained. He was willing that the Bill should have a trial, but if it passed in its present shape, he believed that all the hopes and aspirations which had been so long entertained of bringing Law and Equity under one common jurisdiction would be disappointed. He believed that the Bill, unless it were amended in this respect, would prove inefficient, and would fail to fulfil the purposes which it purported to effect. For these reasons he should support the Amendment of his hon. and learned Friend.

MR. SPENCER WALPOLE said, his hon. and learned Friend who had just addressed the Committee had fallen into a great mistake in the views he had expressed on the question of the fusion of Law and Equity. He had, with others, erroneously argued as if the transitional state of things under this Bill would be permanent. Many attempts in the nature of a fusion of Law and Equity had been made during the last 10 or 12 years, but there was a broad distinction between the Bill and all previous legislation. The object of the Bill was to bring about a fusion of Law and Equity, so that the suitors might have complete justice done to

them in any one of the Courts to which they might go, and to have one Court of Appeal so constituted that all the most learned and eminent of the Judges should be members of it. Let the House consider what the fusion of Law and Equity meant. It was a system of jurisprudence under which any Court should administer complete justice from the beginning to the end of a suit or cause. The meaning of keeping up these Divisions was, that in the state of transition it would suit the convenience of the suitor to go to a certain Court for one species of relief and to another Court for another species of relief; but it mattered nothing whether the proposed Divisions remained, or whether the number of Judges would be diminished, because if any suitor went into the Common Law Division to ask for some equitable relief the Court would be bound to give it, and if he went into the Equity Division for relief at Common Law the Court would be bound to administer the Common Law, or else it would be set right by the Court of Appeal. The Amendment of the hon. and learned Member for Oxford (Mr. Harcourt) would be depriving the Appellate Court of the presence of the Chief Judges weaken its authority. The object, however, of the hon. and learned Gentleman was, that the services of the Judges of the Appellate Court should be confined to that Court; but that, in his (Mr. Walpole's) opinion, would impair the influence of the Court instead of increasing it. The two important elements of a Court of Appeal were that the Judges should be independent of the Court below; and, secondly, that they should be familiar with the practice of those Courts; and to take away either of those elements would impair the whole. Entertaining those opinions he could not concur in the views of the hon. and learned Member for Oxford, or in those of the hon. and learned Serjeant who had just spoken.

MR. OSBORNE MORGAN also opposed the Amendment. It was acknowledged that the present number of Courts of First Instance were not sufficient to transact all the business, and yet the hon. and learned Gentleman would cut the staff down still further. The right hon. Gentleman the Member for Cambridge University had stated two reasons why the attempts which had been

hitherto made to bring about a fusion of Law and Equity had failed; but there was a third reason, and that was that we had not men who had been trained in the principles of both Law and Equity, so as to enable them to deal with the questions of Law and Equity that came before them. During a period of transition the Judges must be taken as they were. By degrees both the Bench and the Bar would obtain the necessary training, to enable them to deal with all questions indiscriminately, and perhaps by the time the hon. and learned Gentleman obtained his seat on the Woolsack the Judges themselves would be able to carry out, what in the abstract he would admit to be the true and correct scheme—namely, the suggestion of the hon. and learned Gentleman.

MR. HINDE PALMER observed that the Amendment was directed to sweeping away all distinction between Law and Equity by getting rid of Divisions in the Court. Now, if these Divisions were to be in any sense permanent, he should be inclined to agree with those who thought it would be a great disadvantage to sanction them, but he looked upon them simply as necessarily of a provisional character. He did not think that without those Divisions, by way of initiation, they could possibly get such a scheme as this to work at all. He pointed out that the Divisions offered no obstruction to the general principle of the Bill—namely, the concurrent administration of Law and Equity, for the Bill expressly provided that the suitor should have full relief given to him by whatever tribunal to which he might resort. For those reasons, he could not support the Amendment.

THE ATTORNEY GENERAL said, his hon. and learned Friend the Member for Oxford (Mr. Harcourt) proposed to omit the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer from the operation of the clause. In doing that he would destroy the divisions of which he complained. As far as that matter was concerned, the Bill represented no more than the direct recommendations of the Judicature Commission, carried into effect by the present Lord Chancellor, and sanctioned by Lord Cairns, Lord Hatherley, and Lord Chelmsford, none of whom could be called bunglers in legislation. It was

in vain, he supposed, for him to say over and over again that the Bill regarded these Divisions as only temporary, for the purpose of bridging over a period of transition. The Bill was to come into operation on the 1st of November, 1874, and at that time there would be in existence the Court of Chancery, the Court of Queen's Bench, the Court of Common Pleas, the Court of Exchequer, the Court of Admiralty, and the other Courts, all having business brought to a certain state of completion, and a number of suitors pressing to have their causes brought on. To talk of the fusion of Law and Equity was to talk ignorantly. Law and Equity were two things inherently distinct, and the distinction was not capable of being destroyed by Act of Parliament. All they could do was to secure that the suitor who went to one Court for his remedy should not be sent about his business without the relief which he could have got in another Court. Would the hon. and learned Gentleman the Member for Dewsbury (Mr. Serjeant Simon) wish that, without regard to common sense and the nature of things, one single Court should be made into a sort of hotchpot, and all property should be handed over, without respect to the nature of the business, now to one Judge now to another? What was intended was not to destroy the Courts of Equity or the Courts of Law, but to take care that in every Court, whether of Law or Equity, if the Equity case raised legal questions they should be there decided, and if the legal case raised equitable questions they should be there decided. In fact, the 21st section laid down in the plainest terms what was to be done if the Bill became law, and showed that the object was not that Law and Equity should be fused, but that they should be concurrently administered. Her Majesty in Council was to be empowered to reduce or increase the number of Divisions, or the number of Judges in any of the Divisions; and it was also provided that all causes commenced in or transferred to the High Court should be distributed among the Divisions in such a manner as might be from time to time determined by rules of Court, or orders of transfer made under the authority of the Act, in such a manner that there should be no longer conflicts of opinion upon the subject. Then came the section which enacted

that subject to the rules of Court, the different Divisions should have those matters assigned to them which common sense would assign to them. This was not bungling, but simple, intelligible, common-sense legislation. There were different matters to be dealt with, and they were to be assigned to the Courts which were eminently fit to deal with them, subject only to the great improvement that there should not be a conflict of jurisdiction, but that the Court should yield a perfect remedy to everybody who had recourse to it. It was said no change was made in the names of the Courts; but what necessity was there for doing so when the nature of things was changed and an entirely new jurisdiction introduced to prevent a great waste of time and money and acute suffering to suitors? Then, again, it was of greater importance than people generally supposed that there should be places which would tempt the more eminent men in the legal profession to leave the Bar and go to the Bench; but the Amendment for the gain of £2,000 a-year to two people would sacrifice historical positions which were among the most valued prizes of the profession. Under the influence of those opinions, he could not accept the Amendment.

MR. JAMES cordially supported the Amendment, which he regarded as of great importance in the public interest. The demand for reform in the judicial system arose not so much from the cost as from the delay of the present procedure; and unless they could increase the judicial strength by numerical addition, or by economizing the power at their disposal, the evils the Bill professed to remedy would remain intact. They had at present 18 Judges; but their respective duties were so arranged that their legal business was in a most unsatisfactory condition. He could see no necessity for insisting upon dividing the Court into three Divisions and perpetuating the distinction between the different Courts of Common Law. His hon. and learned Friend put his objection to the Amendment, on the ground that if it were to be adopted in that transition state of things, a chaotic condition of affairs would be produced. But we should have this chaotic condition of affairs of which his hon. and learned Friend was so much afraid whenever the change was made. The Bill was one of



transition, and time was given for effecting the change, for the Act would not come into operation until 1874. The hon. and learned Attorney General also said that the Bill simply introduced a transition state of things; but if the Committee looked to the 80th clause, the effect was quite otherwise; it was to perpetuate the patronage of the Chief Justice of the Queen's Bench, the Chief Justice of the Common Pleas, and the Chief Baron to all time, while the same consideration was not shown to the Puisne Judges. Higher salaries were to be retained for these inferior Courts, while no allurements were held out for members of the Bar to join the less adequately paid, though superior Appellate Tribunal. He quite admitted that the members of the legal profession would be in favour of retaining those high names to which the Bill gave its sanction; but the Members of that House, when passing a measure of legal reform, ought to put the interest of the public before that of the legal profession. He would prefer the Amendment to apply to the Court of Chancery rather than to the Common Law Courts, and in that sense he hoped it would be pressed to a division.

THE SOLICITOR GENERAL said, he should like to know what right the hon. and learned Member for Taunton (Mr. James) had to arrogate to himself the monopoly of public spirit among the members of the legal profession? What right had he to tell hon. and learned Gentlemen that they preferred the interest of their profession to that of the public? What right had he to insinuate that they were influenced by greed, by avarice, by desire of personal aggrandizement, and were not desirous as far as in them lay to legislate in the interest of the public? He altogether denied the right of the hon. and learned Gentleman to make any such insinuation. If he believed that any Member of the Committee would impute to him any such motives, he would never have the face to address the House again. The hon. and learned Member for the City of Oxford (Mr. Harcourt) had said that certain things to which he objected were put into the Bill to please the Chief Justices. But what was the answer that the Attorney General gave him? Why, that it was contrary to what he ought to have known to be true; these things

were put into the Bill simply to carry out the recommendations of the Judicature Commission. His hon. and learned Friend had, on a former occasion, proposed that there should be two Chiefs, one with £8,000, and the other with £7,000 a-year. But he had since abandoned that proposition, and now he wanted only one Chief. Was it for his hon. and learned Friend who had changed his own opinion so often, to reproach those who had shown some little deference to the Report of the Judicature Commission? If his hon. and learned Friend was at liberty to change his opinion twice in the course of 12 months, they could not be accused of wilful blindness if they adhered to their first opinion. Now as to the public, he had always held that the legal profession existed for the benefit of the public—for the effectual economical and speedy administration of justice. He believed that, even taking the lowest and the most avaricious view of the matter, it would be found that to improve the administration of justice would increase the gains of the profession by causing an increase of litigation; but taking a higher view—namely, the interest of the public, it was of the utmost importance that the seats on the Bench should be placed in such a condition as to attract the very best legal talent. Besides, they must have the rule of seniority, unless they had Chiefs, and that meant that as a rule the most aged and not the most efficient Judge should preside. The Judges must have a president, and by retaining the Chiefs they secured the most successful advocates, that was the largest experience and the greatest talent for the administration of justice. There could be no greater mischief either in the interests of justice or of the public, than to agree to the Amendment proposed by the hon. and learned Member for the City of Oxford.

MR. R. N. FOWLER moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(Mr. Robert Fowler.)

MR. GLADSTONE hoped the Motion would not be pressed.

*Motion negatived.*

*Mr. James*

Dr. BALL said, he adhered to the opinion that the Master of the Rolls might be left out of the Appellate Division. He objected strongly to the Bill as tending to aggrandize the Members of the Court below, and to place them in a higher position than that occupied by the Members of the Court above. He would have the great places in the Appellate Court. He regarded it as injurious to the Judges themselves that they should have their minds confined to any one particular branch of inquiry. He thought that the Equity principle should be kept separate in respect to testamentary questions—at all events, from the merely legal one. With regard to the Court of Admiralty, his opinion was, that shipping cases, commonly tried in that Court, might be tried on circuit instead of being confined to the Court of Admiralty.

Mr. VERNON HARCOURT said, in deference to the appeal which had been made he would not insist on excluding the Master of the Rolls, and would confine his Amendment to leaving out the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer.

Proposed Amendment amended accordingly.

#### Amendment proposed,

In page 2, line 13, to leave out the words "the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer."—(Mr. Vernon Harcourt).

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 152; Noes 96: Majority 56.

House resumed.

Committee report Progress; to sit again To-morrow, at Two of the clock.

#### BLACKWATER-BRIDGE (COMPOSITION OF DEBT) BILL. [Bill 177.]

(Mr. Baxter, Mr. William Henry Gladstone.)

#### SECOND READING.

Order for Second Reading read.

Mr. HUNT asked the right hon. Gentleman the Secretary to the Treasury for an explanation of the object of the measure. A similar Bill was brought in two years ago, but was withdrawn. No reason had been assigned why the former settlement should be disturbed.

Mr. BAXTER said, the right hon. Gentleman had himself objected to the Bill introduced two years ago, because it was a Private Bill, and in his (Mr. Baxter's) opinion, the objection was a very proper one. The present measure was proposed as an Amendment of the Act passed in 1867. It had been found impossible to obtain the sum of £2,500 mentioned in that Act, and the bridge was falling into decay. The object of the present Bill was to enable the Treasury to sell the bridge and its approaches for such sum under £2,500 as they might decide upon.

Bill read a second time, and committed for Thursday.

#### MILITARY MANŒUVRES BILL.

On Motion of Mr. Secretary CARDWELL, Bill for making provision for facilitating the Manœuvres of Troops to be assembled during the ensuing autumn, ordered to be brought in by Mr. Secretary CARDWELL, Sir HENRY STOKES, and Mr. CAMPBELL-BANNERMAN.

Bill presented, and read the first time. [Bill 215.]

#### MILITIA (SERVICE, &c.) BILL.

On Motion of Mr. Secretary CARDWELL, Bill for extending the period of Service in the Militia; and for other purposes, ordered to be brought in by Mr. Secretary CARDWELL, Sir HENRY STOKES, and Mr. CAMPBELL-BANNERMAN.

Bill presented, and read the first time. [Bill 216.]

#### PUBLIC RECORDS (IRELAND) ACT (1867)

##### AMENDMENT BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend "The Public Records (Ireland) Act, 1867," and to make provision for keeping safely certain Parochial Records in Ireland, ordered to be brought in by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 217.]

House adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

Tuesday, 1st July, 1873.

MINUTES.]—PUBLIC BILLS—*First Reading*—Slave Trade (East African Courts)\* (187); Slave Trade (Consolidation)\* (188).  
*Second Reading*—Tithe Commutation Acts Amendment (171); Shrewsbury and Harrow Schools Property\* (140).  
*Committee*—Thames Embankment (Land)\* (179).  
*Committee*—*Report*—Crown Private Estates\* (179).  
*Third Reading*—Local Government Board (Ireland) Provisional Order Confirmation (No. 2)\* (177), and passed.

TITHE COMMUTATION ACTS AMEND-  
MENT BILL. (No. 171.)

(*The Earl Fortescue.*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL FORTESCUE, in moving that the Bill be now read the second time, said, the provisions of the measure, which had come up from the other House, had been approved of by a Select Committee of that House. There were 32,937 acres of market gardens in the kingdom, the increase of tithes upon which would amount to £333. The necessity for the measure had been occasioned by the attempt in seven cases to impose an additional tithe rent-charge on land newly cultivated as market-gardens—an attempt which had been viewed with much odium and apprehension, while it had been attended with very slight advantage to the tithe-owners compared with the costs of the litigation it had involved. The Bill directed that the powers of the Tithe Commissioners in this respect only to a parish in which an extraordinary charge for market-gardens was distinguished at the time of the commutation.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Earl Fortescue.*)

THE DUKE OF RICHMOND said, that as the Bill had been referred to a Select Committee of the other House, and that there had been a difference of opinion respecting the Bill by the Committee, it would be as well, after the second reading, to postpone its Committee stage till after their Lordships had an opportunity of looking over and considering the Report of the Committee of the other House.

THE LORD CHANCELLOR said, he could not understand why the Bill should make a distinction between hop-gardens and market-gardens. The Bill applied to market-gardens but not to hop-gardens. He failed to see why that should be so.

THE ARCHBISHOP OF CANTERBURY said, there was a marked distinction between land cultivated for hops and land cultivated as market-gardens. There was no difficulty with regard to land cultivated for hops; but it was sometimes difficult to distinguish, and more especially so as regarded farms in the

vicinity of the metropolis, and large towns where vegetables, &c., were grown, between high farming and market-gardening, so that a question might arise as to whether a field was a market-garden or not.

EARL FORTESCUE said, he could confirm the statement of the most rev. Primate, and intimated that he had no objection to delaying the Committee as suggested by the noble Duke (the Duke of Richmond).

*Motion agreed to.*

Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* next.

ARMY RECRUITING.

OBSERVATIONS.

THE DUKE OF RICHMOND, in rising to call attention to the Return as to Chest Measurement of Recruits (presented to the House on the 28th of April last), and to the state of the Army as regards recruiting generally, said, he would not discuss the details of the Return for which he moved some time since, respecting the measurement of recruits, inasmuch as the right hon. Gentleman the Secretary of State for War had admitted it to be inaccurate, and on the part of the Government had undertaken to present another, in which the error should be corrected. There were, however, one or two points which deserved attention in reference to it. That Return, which had achieved some little notoriety, had thus been commented upon by an hon. and gallant Member of the other House—

"The Returns in some cases disclosed the fact that a certain laxity existed somewhere, and that men had been enlisted under regulation measurement. Where this was found to be the case, the Returns were sent back from the War Office with orders to the commanding officers to transfer the men enlisted under the regulation measurement from a column in the Return noting that fact to a column which showed them to be over the regulation measurement, and in such altered form was the Return presented."

It was not surprising that such a letter, appearing in *The Times*, and signed by his hon. and gallant Friend, was not allowed to pass unnoticed. Accordingly, Sir John Pakington put a Question, in answer to which the right hon. Gentleman the Secretary of State for War said—

"When the Duke of Richmond's Return was moved for, it appeared that in some regiments recruits had been accepted, without any application for that special permission, who were below the regulation measurement. When this became known at the Horse Guards, the following memorandum was issued :—

'Horse Guards, War Office.

'April 16, 1873.

'His Royal Highness the Field Marshal Commanding-in-Chief directs that the accompanying Return be amended in the following way—viz., all the men shown therein as under 33 inches chest-measurement to whom no objection was raised by you or by the officer commanding at the time being, on their being finally passed into the service, must be accounted for as of the regulated chest-measurement of 38 inches.

'C. A. EDWARDS.'

"It cannot be disputed that this was a grave error. The matter in question was the preparation of a Parliamentary Return, and the actual fact alone ought to have been looked to. Directions have been given which will prevent a recurrence, and for the amendment of the Return."

Now, that language was, to say the least, most unfortunate; for though he did not impute to the right hon. Gentleman any intention of casting an imputation on the Field Marshal Commanding-in-Chief, the answer conveyed to himself, and he believed to many others, the impression that it was His Royal Highness by whom the fact had not been looked to in the preparation of the Return. He was therefore extremely glad that His Royal Highness took the earliest opportunity of explaining in that House his part in the transaction, and of showing beyond all question that though as the head of the Department he was responsible for everything that went on in it, he could not be held responsible for that Memorandum. His Royal Highness said last night—

"I never saw the Return or the Circular that went out in my name on the subject, and I never intended any Circular to go out. I thought it was a mere ordinary correction, which must frequently occur in an office. Had I been aware how the Return was prepared, I should not have authorized what has been done."

That was only consistent with His Royal Highness's conduct upon all occasions. It was obvious that a great deal must be left to subordinates, and that it was impossible for any one at the head of a Department dealing with a multiplicity of details to go into the *minutiae* daily dealt with. His Royal Highness added that he considered it merely a breach of discipline on the part of officers commanding regiments, that he understood the number of men in question was very

small; and that he dismissed the subject from his mind, as one not requiring further thought. Now, he desired to know whether the Returns sent in to the War Department were confined to those of officers who had accepted the men under-measurement, and had thus as it were condoned the offence; or whether the Department had not Returns, showing that a great number of men in certain regiments, of 31 and 32 inches chest-measurement, had been objected to, in some cases by commanding officers, and in others by generals commanding districts. If the Department, as he believed, possessed such knowledge, they ought not only to have refrained from issuing the Memorandum, but to have communicated the information to the House. His Royal Highness having proved that he was not answerable for the error acknowledged by the right hon. Gentleman to have been committed, some one in the War Department must be responsible for it. The recruiting department was the department which must have had the information at the time the Return was made, and the Inspector General of Recruiting was responsible for all these Returns. That was shown by the 25th section of the Queen's Regulations, No. 1,330, which was in these terms—

"The Inspector General of Recruiting is charged with carrying out all orders and regulations on subjects connected with the recruiting service, and attending to the details of that department."

He would ask, therefore, whether within the knowledge of the Inspector General, and within reach of the Department, there were not the names of men undoubtedly under the prescribed chest-measurement? He would now pass on to the larger and higher subject of recruiting generally, as it was now carried out; and respecting which it could not be denied that anything that tended to deteriorate the high character of the *personnel* of the Army was a thing to be deprecated and stopped. In an earlier part of his political life he (the Duke of Richmond) used to hear a great deal about "the sliding scale;" the sliding scale, however, so much talked of in former days, vanished into empty air compared with that adopted of late years in recruiting. On the 1st of February, 1868, the recruits were 5 feet 6 inches to

5 feet 8 inches in height, and 33 inches chest-measurement, 5 feet 8 inches to 5 feet 10 inches, and 34 inches, and 5 feet 10 inches and over, and 35 inches, the minimum height thus being 5 feet 6 inches. In March, 1869, when reductions were made in the Army, the height was raised to 5 feet 8 inches. In June, 1869, it was reduced to 5 feet 6 inches. In October, 1869, the chest-measurement was altered, it being taken with the arms hanging down instead of raised. In February, 1870, when there were again reductions, the height was raised to 5 feet 8 inches. In March, 1870, all recruiting was suspended. In July of that year, with prospects of war on the Continent, the minimum height was reduced to 5 feet 6 inches, while in September it was further reduced to 5 feet 5½ inches, and by special authority to 5 feet 5 inches. In December, 1870, an order was issued directing that the measuring tape should not be drawn so tight as to compress the surface, and in July, 1871, the minimum height was reduced to 5 feet 5 inches. Thus, since July, 1868, a uniform standard had scarcely been maintained for four consecutive months. The fact was, that the system of short service without pensions was distasteful to the people of the country, and was obliging them to take what men they could get, and those who were of little use to them after they had got them. That was shown by the only accessible authority, the Reports of the Inspector General of Recruiting for 1871 and 1872, which set up one set of theories and arguments on one page and contradicted them on the next. The only conclusion, however, which he (the Duke of Richmond)—and he thought anybody else—could come to, who examined the Reports independently, was that the whole recruiting service of the country was in a most unsatisfactory state. In 1871, there was a deficit of 1,783 men—the deficiency in 1872 was nearly the same—on which the Inspector General remarked—

“The number shown proves that at present the supply of men has not been quite sufficient, and the time possibly may not be far distant, if the increased rate of wages, the demand for labour, with the lessened number of working hours continue to affect the labour-market, that the present inducements to voluntary enlistment will be found to be insufficient. There is good reason to believe that the physique of the recruits taken during the last year gives promise of these men becoming very effective soldiers.”

*The Duke of Richmond*

He would ask whether these were men of 33 inches, or 32 inches. The Report continued—

“In nearly every case commanding officers have expressed themselves satisfied with the description of recruits sent to join their regiments.”

That was quite at variance with what he had understood to be the case, and he should like to know to whom such satisfaction had been expressed, and whether there was any objection to produce these letters. As to the working of the system, the Report remarked—

“There is a fear that short service without a claim to pension, may become distasteful, and that men should give up six years of their lives, with only the prospect of 7*l.* a year for six years afterwards, while serving in the reserve force, is a condition that cannot be generally expected. Recruits still look to and inquire what pension they will get, whilst they see the majority of discharged soldiers enjoying such retiring allowances. Although against this uncertainty as to pension the recruit may feel the advantage in some cases that he is only bound for six years instead of a much longer period.”

Now, in the face of that Report he wanted to know whether the noble Lord meant to go on with short service without pensions? He believed that if they were to issue a Circular to competent persons throughout the country, inviting them to express an opinion on the present system of service, it would be found that it was one that could not long be carried out consistently with the interests of the country. He wanted to know whether they intended to go on with the system of short service without pensions? He did not think that the system could be carried on practically for any length of time. In an extraordinary paragraph the Inspector General went on to say—

“The standard in height has been nearly all the year 5 ft. 5 in., and great attention has been paid to chest measurement, and careful medical examination before approval, so that the reports of the physique of the men are most favourable. As short service becomes more general, it may be questioned whether this stringency of medical examination may not be a little relaxed, as a man having slight blemishes, which now disqualify, will be fit for home service, and afterwards well qualified for service in the Reserve forces, and quite capable of meeting the exigencies of any emergency that may then be required of him.”

If that observation meant anything it meant this—that in the present system of recruiting for short service they were recruiting under the idea that the men would never be called upon to serve

abroad, and therefore they might take an inferior class of men—first, for short service with the flag, and afterwards, to use a railway expression, in effect to shunt them into the Reserve force. It had often been said that the noble Earl (Earl Granville) had been very lenient with foreign Powers on more than one occasion, when he ought to have sent an army abroad. That might be accounted for if the Army was recruited on the assumption of its services never being required abroad. The Report went on to say—

“it may be fairly surmised that the present inducements to enlist on these conditions will not hereafter be sufficient to meet the increasing demand, and in face of the constant rising of the rate of wages in the labour market.”

That was precisely his own view, that unless there was long service with pension there would not be sufficient inducement to enter the Army for the class of men such as had for years been our pride. Turning to the Report for 1873, he found a remarkable paragraph—

“The Autumn Manœuvres of 1871 and 1872 have elicited the fact that the physique of the Royal Artillery and cavalry has been such as to excite unqualified approbation; and, by a careful observer, it has been remarked that the nation may be assured that the infantry are such as could be desired, and have maintained their long-established character of efficiency.”

A distinction was thus drawn between the artillery and cavalry and the infantry, conveying a suspicion that the physique of the latter was not such as should be desired. The “careful observer” clearly was not His Royal Highness, whose Reports, to use a Scotch expression, did not condescend to these particulars, but dealt in more general terms. He understood the Secretary of State for War was out in the Manœuvres, and took as prominent a part as a civilian could do in them. It had occurred to him that he might be the “careful observer.” If so, that right hon. Gentleman had shown his care not to praise the infantry except in the most qualified terms, whilst he placed the artillery and the cavalry in the front for his emphatic eulogy. The Report also contained a paragraph in which the Inspector General of Recruiting took this modest view of his position—

“The appointment of Inspector-General of Recruiting, as recommended by the Commission of 1867, has been attended with the great advan-

tage of allowing every circumstance connected with the recruiting service throughout the kingdom to be minutely and carefully inquired into.”

He suspected that in the next Report, after the disclosures as to recruiting and the preparation of Returns, there would be some ground for modifying that opinion. The Report gave the number of recruits passed into the service last year as 17,371, and the casualties as 18,779. There must be something wrong in the system which produced such results. It would appear that our forces were diminishing in numbers year after year, and that, so far as he knew, no steps had been as yet taken to remedy such an unsatisfactory state of affairs. According to the Report—

“The casualties for the year 1872 have been increased above the average by a greater number of invalids, an increased discharge of men of bad character, by a facility of obtaining discharge by purchase and free, and by many desertions—the two last having been occasioned by the great demand for labour.”

That fact might lead to the inference that those had been enlisted who were unfit for the service, and ought never to have been enlisted—an inference which was further borne out by the statement of the increased number of men of bad character who had been discharged. In reference to that subject, a report was current in military circles that a confidential Circular had been issued to courts-martial, directing them to dismiss with ignominy men found guilty of desertion or absence without leave, if physically unfit for the service. In other words, every opportunity was to be taken of dismissing as of bad character men who had been improperly enlisted. He now came to the last paragraph, which the Government ought to regard with considerable apprehension—

“contemplating the greatly increased number of men which will be required in the year 1876, and subsequent years, when the discharge of men enlisted for short service will affect materially the number of men required to be raised to replace them, and knowing that all these men must be taken by a system of purely voluntary enlistment, the increased inducements to enlist are for the consideration of statesmen; and, without such increased inducements, it is more than probable that the present system of the recruiting service will fail to supply the necessary demand.”

He knew that he had wearied the House by the length at which he had addressed them, but he trusted that their Lord

ships would think that the statement he had made would justify him in their opinion for having brought this subject under consideration. He believed that the present system was radically wrong, and that, practically, it was an utter failure; and that it could only be improved by increasing the inducements to men to enlist, and he maintained that the responsibility for this failure rested, as it ought to rest, upon Her Majesty's Government. He was satisfied that Her Majesty's Government would be assisted in everything that could conduce to the improvement of the service by His Royal Highness the Commander-in-Chief.

THE MARQUESS OF LANSDOWNE said, he had hoped that when His Royal Highness the illustrious Duke on the cross benches closed last night a statement which the noble Duke opposite himself characterized as satisfactory, the last had been heard of the unfortunate mistake as to the measurement of recruits. He thought that, under the circumstances, the supplementary defence of the illustrious Duke which had been undertaken by the noble Duke opposite might have been dispensed with upon the present occasion. What was the reason which had been assigned by the noble Duke for undertaking that supplementary defence of the illustrious Duke? The noble Duke said that he had felt compelled to undertake it, because he regarded the right hon. Gentleman the Secretary of State for War's statement in the other House as casting blame upon the illustrious Duke. He begged to protest against that interpretation of the right hon. Gentleman's statement. His statement was a mere recapitulation of the facts of the case.

THE DUKE OF RICHMOND said, he was anxious that he should not be misunderstood in this matter. He had made no imputation whatever against the Secretary of State for War. What he said was, that the right hon. Gentleman had expressed himself in words that might convey the impression out-of-doors that blame was to be attached to the Commander-in-Chief in the matter. He had no doubt that the right hon. Gentleman had expressed himself in perfect good faith.

THE MARQUESS OF LANSDOWNE said, he had in no way misapprehended the meaning of the noble Duke, who had complained of the Secretary of State for

*The Duke of Richmond*

War's statement as calculated to give rise to the impression out-of-doors that blame was to be attached to the illustrious Duke. The right hon. Gentleman could not do otherwise than read the exact words of the document which had been sent out by the Adjutant General's department, and the illustrious Duke himself had not detracted in the least from the responsibility attaching to that department. The noble Duke had asked whether it was within his personal knowledge that there were in the department of the Adjutant General other Returns from officers commanding regiments which disclosed the fact that there were in their regiments men whose measurements did not come up to the regulation standard. All he could say was, that if Returns meriting this description existed anywhere, he had no personal knowledge whatever of their existence, although he believed that there was one regiment in which some doubt had arisen as to the sufficiency of the chest measurements of the men. In that case, an officer had been sent down to examine and report upon the case. The noble Duke had proceeded to speak of the position of the Inspector General of Recruiting, and perhaps the House would permit him to point out that Colonel Anson, in his letter which had appeared in *The Times*, and several other of our military critics, seemed to be under a misapprehension with regard to the position of that officer. It was clearly indicated in the Regulations with respect to recruiting, that far from being a mere War Office official, the Inspector General of Recruits was an independent officer. The present tenant of the office was moreover appointed by the Commander-in-Chief before the present Government came into office, and therefore there was no excuse whatever for supposing him to be the screen of the present Government.

THE DUKE OF RICHMOND remarked that he had made no such statement.

THE MARQUESS OF LANSDOWNE said, that this was at all events the impression produced on the mind of the House by the noble Duke's observations. The noble Duke having dealt with the Inspector General of Recruits, passed on to consider the subject of recruiting generally. He (the Marquess of Lansdowne) was anxious to say a few words with regard to the effect

of the changes which had been introduced into the recruiting system by the present Government. The noble Duke said that any deterioration which had occurred in the quality of the recruits was traceable to the system of short service, which he most severely condemned. He was not about to discuss the relative merits of long and short service upon the present occasion; but he was convinced that, in a country where neither compulsory service nor the cost of a large standing Army would be endured, a system of short service with Reserves was the only one that could be carried out. With regard to the quality of the recruits who had enlisted under the short-service system, he wished to point out to the noble Duke one or two facts which appeared in the Report to the Adjutant General by the Inspector General of Recruits, dated January, 1872, on the recruiting for the year 1871. The Report stated that commanding officers had expressed themselves satisfied with the description of recruits sent to join their regiments. The noble Duke challenged that statement in the Report, and desired to know what means the Department had of ascertaining whether this satisfaction was the case. The noble Duke had placed him in a rather embarrassing position, because he must know that the Reports of the commanding officers were confidential, but he could assure the noble Duke that before the Inspector General of Recruiting had made his Report, he had access to authentic information furnished by commanding officers themselves. Further on, in the Report appeared a statement founded on medical statistics, which was of considerable importance. It was as follows—

“Inquiry has been made to ascertain how many of these men have not completed their first year's service, and it is found that the number invalided in that period is 13·19 per 1,000; which, allowing for such diseases as develop themselves at that age, for the change of life on first joining, and the necessary drill, is very small, and will bear favourable comparison with the corresponding state of health of men in civil life of that age . . . as far as can be ascertained, the recruits of this augmentation have not, after one year's trial, proved less efficient than those taken in former years, at the ordinary rate of recruiting, to supply the usual casualties.”

Considering that it was necessary to have recourse to the lower stratum of the population for recruits, the best

authorities believed that they were likely to find more healthy men, and therefore men who were likely to make the most efficient soldiers, among those from 18 to 19 years of age, than among older men, who would join the Army probably because they found themselves unfit for any other profession or trade. That opinion was well expressed in the Report of General Edwards, who said—

“Between the ages of 18 and 19 years many youths have not acquired regular employment. If these men enlist, they are at once well clothed and cared for, and by the time they have acquired the age of 20, there can be no doubt are worth in physique in strength of constitution more than the man who though enlisted above that age, had till then existed on very uncertain means.”

There were also passages in the Report with respect to recruiting in 1872, the tenor of which was very similar, but he would not trouble the House by quoting them. He wished, however, to be allowed to add that the noble Duke was under a misapprehension, when he stated that the standard of height was lower than it had ever been before. He could assure him that at different times in 1864, and, he believed, again in 1868, the height was not greater than 5ft. 5in., which was the present standard. Having said thus much with respect to the quality of the recruits, he would add a few words with reference to their quantity. The noble Duke was not perhaps aware that we had now between 2,000 and 3,000 over our full establishment, and it was therefore obvious that it was not necessary that we should obtain the full number of recruits. The real working of the system could not possibly be tested before 1876, by which time the short-service men would begin to pass into the Army Reserve. He was far from wishing to convey to the House that the Government regarded the problem to be solved as one which was certain or easy of solution. The views of General Edwards on the subject were very clear, and the War Department were perfectly alive to the possibility that the inducements now held out might in the face of the continually increasing competition of the trade at no distant day be found inadequate to obtain the necessary supply of men. But something, it must be borne in mind, had been done to increase these inducements. The pay of the Army had not long ago been increased; and it was



proposed in the present year, to make a change with reference to the pay of the soldier which would it was hoped have the effect of increasing the attractions of the Army to the class of men who were likely to join it as recruits. He need only add that he shared the opinions of the noble Duke as to the great importance of recruiting, and that the Government had no intention whatsoever of looking upon the existing system as incapable of improvement.

LORD DE ROS thought there was no good reason for regarding the Reports as to the number of recruits as confidential as the noble Marquess seemed to suppose; consequently, all the Reports which had been referred to might be laid on the Table of the House.

THE MARQUESS OF LANSDOWNE said, that if the illustrious Duke on the cross benches thought there was no objection to the production of the Reports in question, he should not be disposed to throw any obstacle in the way.

EARL GREY said, he was sure their Lordships and the country would feel that they were under a deep obligation to the noble Duke (the Duke of Richmond) for having brought the subject under their consideration. It was a subject of extreme importance, and no one could have listened to the statement which had been made with respect to it without coming to the same conclusion as he had—that the state of things connected with the Army was altogether unsatisfactory. Many years would, he was convinced, not have elapsed before we should have come to lament the ill consequences which would flow from the virtual abolition of the system of pensions in the service. It was true pensions were not nominally done away with, but practically such was the case, and soldiers enlisting for a very short term had now no means of winning a provision for their old age. How could it then, he would ask, be expected that men would give up the six or seven best years of their lives to military employment, and give up the opportunity of obtaining the skill necessary for civil employment, if at the end of that period they found themselves without the means of obtaining a livelihood, and turned adrift to make what provision they could for old age? It was unreasonable to expect men to enter freely into the Army

under conditions so discouraging, and he was happy to hear his noble Friend the Under Secretary for War say that the Government were not entirely satisfied with the present system, and that they contemplated the probability of having to revise it. What was wanted was not so much increase of pay, as that the soldier should be placed in a position in which he could make tolerably sure of a provision for life. By that means, too, would success in the policy of creating an Army of Reserve be best attained. Hitherto the Army of Reserve had been a failure, it could not be relied upon to come up when required; and the best course to pursue, he maintained, was to let the men serve for a short time in the active Army, to take the utmost pains during that time to give them the highest training, and having done that, to encourage them to enter the Reserve, allowing them to count their service as a means of ultimately obtaining a pension. The consequence in troublous times of the course which was now being pursued might be serious. If they trained large numbers of men to arms and then turned them adrift with no assured means of subsistence, they might in troublous times become a serious danger to the country, whereas the system of pensions had this advantage—that when they dismissed pensioned soldiers they continued to have a hold over them, and knew they were not likely under any circumstances to be arrayed against the established authorities of the State.

THE DUKE OF ARGYLL maintained that the observations of the noble Earl who had just spoken could not be sustained by the facts. The plan of the Army Reserve must necessarily take some years to come into full operation. The new scheme of short service could not come into full operation until 1876; so that when the noble Earl spoke of it as a failure, his opinion could only be regarded in the light of a prophecy, which might or might not be fulfilled. As to the present system of recruiting, the noble Duke opposite (the Duke of Richmond) had quoted from the Reports only those passages which told in favour of his arguments, while he had omitted those which were opposed to them. That the present system of recruiting did not lead to complete failure as to the physical qualities of the men enlisted was

shown by the last Report of His Royal Highness the Commander-in-Chief, in which the power of marching and of bearing fatigue displayed by the infantry, the mainstay of the Army, was spoken of very highly.

VISCOUNT HARDINGE maintained that the short service system had fairly broken down. When the system was first proposed in the House of Commons, the difficulties that would attend it were pointed out to the right hon. Gentleman the Secretary of State for War. Among them was this one—that after the expiration of the first period of service, the men would go back to their parishes, and, being selected from a low stratum of society, they would have the greatest difficulty in finding employment. In answer to that, the right hon. Gentleman said he would get quite a different and superior class of men, such as village tradesmen and persons who could easily turn their hands to profitable industry when they went back to their parishes. Now, from all the information he could collect, that anticipation had not been realized. Under the short service system they still got the waifs and strays of society, and as far as getting a superior class of men went, it was all moonshine. He hoped the amended Return of chest measurements would be produced, and also the letters from the officers commanding regiments. They were much indebted to the noble Duke for bringing that question forward; for the more the short service system was discussed, the more its difficulties would become apparent.

EARL FORTESCUE found, from the Army Medical Report presented in 1872, that about 6,000 out of every 10,000 men examined were under the age of 20, and of the recruits about two-thirds were between 18 and 21. When the short service system became the rule a great proportion of the Army would consist of boys instead of seasoned soldiers.

THE EARL OF MALMESBURY said, he could not help regarding the system of chest measurement now adopted as very fallacious. A high authority in gymnastic matters, whom he knew when a young man, used to hold that the circumference of a man's chest measured with a tape did not give a fair idea of what his constitutional powers and his amount of wind might be, because a man with a narrow and a flat

chest, if he had a very great deal of muscle in his chest, would measure many inches in circumference, whereas a man with a deep round chest, although he had not the same quantity of muscle, and measured fewer inches, would be the stronger man of the two. The depth and not the mere circumference of the chest should be taken with callipers with which the diameter of trees was measured, if they wished to test a man's strength of constitution and power of bearing fatigue.

THE DUKE OF RICHMOND said, he was perfectly satisfied with the course of the debate; but he wished to point out one thing to the noble Duke who sat opposite (the Duke of Argyll). The noble Duke took the noble Earl on the cross benches (Earl Grey) to task for having ventured to prophesy on this subject, and in a manner, he said, which was not unfrequent with him. The noble Earl did not indulge in a spirit of prophesy, but merely followed the example of the Inspector General of Recruiting, who said—

“Without such increased inducements, it is more than probable that the present system of Recruiting Service will fail to supply the necessary demand.”

THE DUKE OF ARGYLL maintained that the scheme of founding the Army of Reserve on short service had not been sufficiently tried to entitle anyone to say that it had failed. There was a disposition manifested by some noble Lords to regard the result yet to be attained as a foregone conclusion, instead of looking upon the system in a philosophic spirit and as an experiment in course of trial, and one which had certainly not failed.

#### SLAVE TRADE (EAST AFRICAN COURTS)

##### BILL [H.L.]

A Bill for regulating and extending the jurisdiction in matters connected with the Slave Trade of the Vice-Admiralty Court at Aden, and of Her Majesty's Consuls under Treaties with the Zeminers of Zanzibar, Muscat, and Madagascar, and under future Treaties—Was presented by The Earl of CAMPERDOWN; read 1<sup>a</sup>. (No. 187.)

#### SLAVE TRADE (CONSOLIDATION) BILL [H.L.]

A Bill for consolidating with amendments the Acts for carrying into effect Treaties for the more effectual suppression of the Slave Trade—Was presented by The Earl of CAMPERDOWN read 1<sup>a</sup>. (No. 188.)

House adjourned at Seven o'clock, till To-morrow, half-past Ten o'clock.

## HOUSE OF COMMONS,

Tuesday, 1st July, 1873.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Turnpike Acts Continuance, &c.\** [199].*Committee*—*Supreme Court of Judicature* [164]

—R.P.

*Committee*—*Report*—*National Debt Commissioners (Annuities)\** [201]; *Public Works Loan Commissioners (School and Sanitary Loans)\** [203]; *Blackwater Bridge (re-comm.)\** [213].*Third Reading*—*Prison Officers Superannuation (Ireland)\** [142], and *passed*.

The House met at Two of the clock.

ARMY—HONORARY COLONELS OF  
CAVALRY REGIMENTS.

## QUESTION.

SIR LAWRENCE PALK asked Mr. Attorney General, Whether the alterations in the pay of the Honorary Colonels recently appointed to Cavalry regiments under the Royal Warrant of 27th December, 1870, is legal, no Royal Warrant having since been issued authorizing the change?

THE ATTORNEY GENERAL, in reply, said, that the Question did not supply him with sufficient materials for forming a judgment upon the point. But even if all the facts were before him he doubted whether it would be his duty to answer the Question, because it was one upon which the opinion of the Law Officers might be taken by the Government, and it was to the Government that their answer should be given.

## SUPREME COURT OF JUDICATURE

BILL—(Lords).—[BILL 164.]

(Mr. Attorney General.)

COMMITTEE. [Progress 30th June.]

Bill considered in Committee.

(In the Committee.)

Clause 5 (Constitution of High Court of Justice).

Amendment proposed, in page 2, line 16, to leave out from the word "one," to the word "mentioned," in line 18, inclusive.—(Mr. Attorney General.)

DR. BALL said, this was a question of very considerable importance. It was neither more nor less than whether there should be an additional Judge in the

Equity Division. He distrusted judicial statistics. Twenty ordinary causes might not be equal to one such case as was now before Lord Westbury and Lord Cairns. Was it proposed to maintain these exceptional tribunals, with Judges exceptionally paid to deal with exceptional cases, referred to them by special legislation? The worst economy in a public point of view was economy in judicial power; and he preferred on this question the opinion of the Equity lawyers. He was not of opinion that a Common Law Judge was incompetent to deal with Equity cases. In Ireland, the Bar practised in all the Courts, without detriment to the suitors; but this was not the question before the Committee, for there was not even a Common Law Judge to spare. He feared that on this point of additional Judges the Law Officers of the Crown spoke from their briefs rather than their convictions. Like "the power behind the Throne," the influence of the Chancellor of the Exchequer was felt, though he himself was absent, and it was his views which led to the Amendment in the Bill on this question.

SIR FRANCIS GOLDSMID was not convinced by the Solicitor General's argument of the previous evening, that an additional Vice Chancellor was not required in order that the business of the Court of Chancery might be satisfactorily disposed of. He (Sir Francis Goldsmid) however, had not risen for the purpose of further arguing this point—which, in his opinion, had been already sufficiently discussed—but to give an entirely distinct reason for retaining the words on the omission of which the Committee was about to vote. Even if the additional Judge was not wanted as Vice Chancellor, he would be most useful in helping the Common Law Judges who were now for the first time to be, not merely authorized, but required, to decide on equitable matters. It would be remembered that on the second reading, the hon. and learned Member for Denbighshire (Mr. Osborne Morgan), had most ably argued for the necessity of adding a Judge instructed in Equity to each of the Courts of Queen's Bench, Common Pleas, and Exchequer, and that the Attorney General had admitted that the Judges of those Courts themselves recognized the need of such assistance,

and desired that it might be given; and although he had added that this could not be done at once, he had intimated that advantage would be taken of the first vacancy in each Court, to supply the aid required. But now this hope was to be indefinitely postponed. Having, in order to strengthen the equitable element in the Court of Appeal, given up the idea of transferring three Common Law Judges to that Court, he was left with 15 Puisne Judges instead of 12, and therefore proposed to add, at the end of the clause now under discussion, a Proviso that there should be no fresh appointment until after four vacancies. Thus the Courts of Common Law, when for the first time required to administer Equity, would, during that very period of transition which involved the principal difficulty, be left without the equitable aid which the Attorney General admitted that they needed and desired. Now, although we did not regard the Common Law Judges as heaven-born geniuses, who were able to decide equitable questions to which they were not accustomed, as satisfactorily as if they had studied them all their lives, we did consider them to be extremely learned, intelligent, honourable, and estimable individuals. Were we then to make by this Bill such arrangements that we should be compelled to look upon the early deaths or resignations of four of these highly esteemed personages, as events to be anxiously desired for the benefit of the public, and even for the ease of mind of their own colleagues? Hon. Members would doubtless recollect that in narratives of shipwrecks, of returns from unsuccessful voyages to the Polar regions, or of the adventures of men lost in pathless deserts, they had been horrified by reading that the unfortunate adventurers had sometimes been driven by approaching starvation to decide by lot which of their number should be sacrificed in order to save the rest from perishing by hunger. He (Sir Francis Goldsmid) was not without apprehension that this measure would lead to some calamity of an analogous character. He almost feared that on some gloomy morning—not of Michaelmas Term, for Terms would have been abolished—but of that dull season which we had hitherto designated as Michaelmas Term, our feelings would be harrowed

up by the intelligence that Her Majesty's 15 Puisne Judges, unable any longer to bear the burden of deciding equitable questions without the help of an Equity colleague, had met and determined by lot, not which four of them should be put to death, but which four should undergo that official extinction which we term resignation, in order to obtain for the rest the aid which all of them already felt to be absolutely indispensable. Supposing them not to be capable of such an act of desperate heroism, most serious impediments to the administration of justice during the transitional period must be the result of the ill-judged parsimony of the Government. If, then, the Attorney General meant inexorably to insist on his Proviso prohibiting the filling up of any vacancy until four vacancies should have occurred, let him at least consent to retain the words on the omission of which the Committee was now about to vote, so that there might be one Judge trained to Equity, who might be kept *en disponibilité*, and whose assistance a Court of Law before which an equitable point should arise might be entitled to require.

MR. W. FOWLER asked how the bankruptcy business was to be managed under the new arrangement? At present it was, to a great extent, blocked, owing to the condition of business in the Court of Chancery. The present position of the Chamber business in that Court was also most unsatisfactory. Were the Judges to be relieved from this business? The Committee ought to know how this was to be arranged before deciding against the appointment of an additional Judge. A vast increase of work and of the time absorbed in the work done in the Courts of Chancery would certainly ensue if *vidæ voce* evidence were to be largely taken there, and this fact would increase the necessity for an additional Equity Judge. The present mode of examination of witnesses in Chancery had been treated with contempt on all sides, but the proposed change could not be made with the present staff of Judges. He would oppose the Amendment.

THE ATTORNEY GENERAL said, that if on an Amendment like that which was moved to appoint an additional Judge, the provisions of the

whole Bill were to be discussed, they should never be able to get through with it. Both his right hon. Friend at the head of the Government and the Chancellor of the Exchequer had felt that where well-grounded complaints were made as to the construction of the Court, considerations of expense should not be allowed to stand in the way. Nor was there any pretence for saying there was "a power behind" the Law Officers of the Crown which prevented necessary appointments on economical grounds. But he altogether denied that the large appointment of Equity Judges which had been suggested was necessary; the staff of Common Law Judges was quite sufficient to do the work that had to be done without the necessity of three other Equitable Judges to help them. The question now before the Committee, however, was as to the necessity for appointing an additional Vice Chancellor. On this point the figures quoted yesterday by the Solicitor General clearly showed that whatever arrears of business in Chancery now existed were due to melancholy personal causes of an exceptional character. This charge was one which the Government thought would impose a wholly unnecessary burden upon the public. He must, therefore, oppose it.

SIR FRANCIS GOLDSMID said, that having many years since left the Bar, he would not be suspected of being biassed by any personal interest, and that he was convinced that he was furthering the interests of justice and therefore of true economy in voting for the Amendment.

MR. VERNON HARCOURT said, he thought there was no case whatever for the appointment of an additional Equity Judge. What was wanted was not greater judicial force but a better distribution of it. As the Common Law Judges were hereafter to decide equitable points, it must follow that *pro tanto* the Equity Judges would have less to do than they now had. Yet there was upon the Paper an Amendment that the Courts of Equity were to be at liberty to send an action to be tried elsewhere—a power which seemed fatal to the principle that suitors were to receive complete justice in the one Court in which their case was first heard. He should vote for the proposal of the Attorney General.

*The Attorney General*

Question put, "That the words 'one other Judge to be appointed by Her Majesty' stand part of the Clause."

The Committee *divided*:—Ayes 73; Noes 141: Majority 68.

THE ATTORNEY GENERAL proposed the first of three Amendments, which was the insertion, in line 22, after "such," of "if any," the others being in line 23, to leave out "transferred to," and insert "appointed ordinary Judges of." Same line, after "appeal," to leave out to end of clause.

MR. VERNON HARCOURT, who had given Notice of his intention to move, in line 22, to leave out from "except such," to "this Act," in line 24, contended that the proposed Amendments of the Government would give them power to create three additional Judges and to incur an annual expenditure of £15,000 for which there was no justification. This was the result of the original error of the Government in introducing their divisional system. The demand was not made in the House of Lords, which was not likely to have overlooked the alleged claims of Equity jurisprudence, which it was professedly designed to meet. He should certainly take the sense of the Committee upon this Amendment.

MR. OSBORNE MORGAN said, he thought that nothing could be more inconvenient than, when they were discussing the constitution of the Court below, they should be called upon to debate questions relating to the Court of Appeal. He trusted the hon. and learned Gentleman (Mr. Harcourt) would wait until they came to the 6th clause.

THE ATTORNEY GENERAL explained the scheme as it originally stood and as it was now submitted, contending that there was a difficulty which could be solved only by the temporary appointment of three Judges, and referring to a later Amendment which would limit the total number of Judges, and which would bind the Government in the future against the abuse which the hon. and learned Member (Mr. Harcourt) contemplated in the permanent appointment of three additional Judges. The temporary difficulty was that of finding the requisite number of Equity Judges for the Court of Appeal.

DR. BALL said, he understood that the Government merely proposed to extend

the range of the power of selection. He was in favour of extending the area of selection, and therefore would support the Amendment of the Attorney General. The necessity for any such Amendment showed that the Lords had been rather slovenly, and that misunderstanding further evinced how requisite it was to exercise vigilance in reviewing their Lordships' work.

MR. VERNON HARCOURT said, the point of his objection to the Attorney General's Amendment appeared to have been somewhat misunderstood. What he took exception to was not that the area of selection should be extended, but that the number of the Judges should be increased. There was one point in reference to the Appellate Court to which the Attorney General had not alluded, and that was with regard to the Law Lords and the ex-Lord Chancellors. The Committee was called upon to vote £15,000 more money because the the Law Lords were not to do any work in the new Court of Appeal. The Amendment to which the Government had consented the day before absolutely denuded these Lords of any judicial occupation. How was the Government to justify this demand for an additional expenditure of £15,000 on the assumption that five noble Lords, each receiving £5,000 a-year, were to do no work in the Appellate Court? If Lord Cairns, Lord Westbury, and Lord Hatherley sat in the Court of Appeal there would be six Judges of the highest character and competence to do the Equity work, and he could not therefore see the necessity for empowering the Government to appoint three additional Judges. For his own part, he would never admit the principle that men in the prime of life, and in full possession of their faculties, should receive pensions and not serve their country. He did not mean to say that these noble Lords would refuse to serve; but their work was to be abolished. This was an extraordinary proposal, a departure from the original intention, acquiesced in by the House of Lords, that no additional Judges should be appointed, and the Government had not till now given any indication that they would make such a proposal. On these grounds he maintained that this claim for additional Judges failed altogether.

MR. GLADSTONE said, it was true the Government were asking the House of Commons to give them a very considerable extension of their discretionary power. Whereas the Bill as it now stood, in providing for the addition of three members of the High Court of Appeal, bound the Government to choose those three members from the existing Common Law Judges, and precluded them from putting any one into the place of the three Judges so transplanted, the Government were asking power to select them on the responsibility of the Crown from any quarter, subject only to this limitation—that the reduction of the number of Common Law Judges which was now contemplated to take place immediately must, by the Bill as proposed to be amended, take place upon the termination of three existing Judgeships. That was a very great responsibility, no doubt, which the Government proposed to undertake; but they were not asking Parliament positively to enact that these three additional Judgeships should be created for the moment. They were asking Parliament to give them power which might for a time entail the maintenance of one, two, or three additional Judges; but they were not thereby relieving themselves from responsibility with respect to the appointment of those additional Judges. If arrangements were made after this Bill became law, the effect of which was to add to the number of Judges, it would be in the power of the Government to say to Parliament not that the Legislature had directed them to make such addition, but that Parliament had placed it in their power to do so if they should find it necessary; and so far only as they found it necessary would it be competent for them to make such additional appointments. His hon. and learned Friend (Mr. Harcourt) asked why the Government should seek to assume that discretion. For two reasons. One had been referred to by the right hon. and learned Gentleman opposite (Dr. Ball)—namely, with the view of enlarging the area of selection. The Attorney General had given additional force to the proposition by pointing out the necessity of having a sufficient amount of Equity power in the High Court of Judicature to be created under the Bill. He (Mr. Gladstone) quite admitted that the services of ex-Lord Chancellors should be available.

for the country, and he had a strong expectation, from the high position of those noble and learned Lords, that they would be ready to give the public the benefit of their valuable professional assistance; but he doubted very much whether they would be more likely to obtain that assistance by asserting in too positive a form their title to receive it. They could not give legislative form to their expectation, because they could not assure Parliament that it would be fulfilled. The only course they could take was to ask Parliament to invest the Government with a discretion, to be used upon their responsibility and in the face of proved necessity, which would enable them to make sure of having a sufficiency of Equity power. But there was another and very sufficient reason for the Amendment. It was intended to constitute one High Court of Appeal for the three kingdoms, and he did not think the just claim to have Irish and Scotch Judges upon the Court would be adequately met by the simple addition of *ex officio* Judges; it would therefore not be wise to make it binding to transfer all the three Judges at the moment into the Court of Appeal from among the Common Law Judges. He did not say what proposal it might be the duty of the Government to make as to the number of persons to be put into the Appeal Court; but the earliest opportunity would be taken of announcing their decision upon that matter to the House.

MR. GREGORY said, he was desirous to know whether the transference of Vice Chancellors to the High Court of Appeal would leave vacancies to be filled up, or whether the judicial representation of the Court of Chancery was to be reduced as a result of appointments to the High Court of Appeal?

THE SOLICITOR GENERAL said, if the hon. and learned Gentleman would look at page 19 of the Amendments he would see an Amendment which provided that any deficiency in the number of Judges in the three Vice Chancellors' Courts that might be caused for the purposes of this Act might be supplied by the appointment of new Judges—that was to say, whenever the office of a Judge of the Chancery Division of the High Court of Justice became vacant a new Judge would be appointed. He would remind the Committee that when these Amendments were put upon the

Paper they had no right to expect that the *ex-Lord Chancellors* would serve regularly upon the Court of Appeal, because Irish and Scotch appeals were at that time reserved to the House of Lords. Now, however, that the Government had acceded to the proposal of the right hon. Member for Kilmarnock (Mr. Bouverie), there would be no necessity for having Law Lords in the House of Lords at all; and if, as there was a reasonable expectation, some of them would agree to serve in the Court of Appeal to that extent, the deficiency of Equity power could be supplied. Of the five *ex-Chancellors* who received among them pensions amounting to £25,000 a-year, one, Lord St. Leonards, was over 90 years of age. His health was remarkably good, but he was not able to hear well, and therefore was not in a state to assist in the Court of Appeal. Thus there was one of those alleged available Judges disposed of. The next *ex-Chancellor*, a very wonderful man for his age, was in his 80th year. He might serve if he pleased, but you could not reckon upon the continued service of a man of that age. Another Law Lord was 73; he very much feared he would not be able to serve by reason of ill-health. The next was 72 years old. He was entitled certainly, if he thought fit, to enjoy his pension without any further service. He had served for 15 years as a Judge, and was fairly entitled to enjoy his pension without longer service. The list was, therefore, reduced to one. That noble and learned Lord (Lord Cairns) was in the vigour of health and intellect; but they had no right to call upon him for continued service, although he might, if he chose, gracefully accede to what he must know was the general wish. They had no right to speculate on his services merely in consequence of the public wish or expectation. Besides, in case of a change of Government, Lord Cairns might be called on to occupy his former position; but in that case they would doubtless have the services of the present Lord Chancellor. The Government, therefore, must take the power to provide additional Judges for the administration of justice if it should be necessary. They were not, however, guilty of any needless extravagance. Their proposal, with a view to strengthen the Equity department of the Court of Appeal, was very moderate indeed. Two

Equity Judges in one Division would probably be sufficient. They did not propose of necessity to appoint more than one, but they wished to be unfettered for this reason—that they might reckon on having to appoint members of the Scotch and Irish Bench or Bar, not with the view of increasing the charge on the public, but simply to provide for carrying out fairly the plan proposed by his right hon. Friend the Member for Kilmarnock, and accepted by the Government. It was quite possible that changes might occur in the constitution of the Courts before the Bill came into operation, and by reason of these changes they might find more Equity Judges available than there were at present. If that should happen, it might be in the power of the Government to avail themselves of the services of those Judges without increasing the charge to the public.

MR. OSBORNE MORGAN said, the question was whether they were bound to make the appointments from the present Judges, or to make them from members of the Bar. He should say, while they had Equity Judges, they should not make new appointments; that was, if the Equity Judges were willing to serve. As the Bill now stood, there were to be nine Judges, seven of them of the Common Law Bar, and two of the Equity Bar; and anyone who knew the barrier between the Common Law Bar and the Equity Bar must be aware of the distinctions between them. He regarded the Amendment of the Government, as proposed by the hon. and learned Gentleman the Attorney General, as a very moderate one, and he hoped the House would support it.

MR. MATTHEWS differed from those hon. and learned Gentlemen who had spoken as if the public had a right to the services of ex-Chancellors. The public had no such right. When an eminent lawyer was made a Lord Chancellor he received a fixed salary for a precarious office, and gave up a professional income far exceeding that salary. The pension he afterwards obtained was to be considered, not as the wages of his leisure time, but rather as part of the price we paid for the most distinguished eminent men we could find to preside over the legal system; and unless the prospect of the pension were held out to him the services of the most prosperous

lawyer could not be secured. With regard to the Amendment before the Committee, he should support the Government.

MR. WEST said, the Amendment of the Attorney General altered one of the most important promises held out at the introduction of the Bill—namely, that there should be no increase in the expense of the judicial staff to be created under this Bill, and as the arguments at present stood he was not prepared to vote for the Amendment of the Attorney General if the hon. and learned Member for Oxford (Mr. Harcourt) insisted upon a division. He would, however, suggest to the hon. and learned Member that the present was not the most favourable opportunity for taking a division upon this question, as Irish and Scotch Judges would have to be appointed to the Court of Appeal.

MR. T. HUGHES said, that after the statement of the First Lord of the Treasury, that the Government would not put this power which they asked for into operation unless they failed to get sufficient assistance on the Equity side from the present members of the highest Court of Appeal, he considered the proposition a just and reasonable one, and he could not vote with the hon. and learned Member for Oxford (Mr. Harcourt). He was entirely opposed also to the suggestion that Judges should be appointed in the Court of Appeal who had not been Judges in Courts of First Instance.

MR. VERNON HARCOURT said, he had very little expectation of support from hon. and learned Members of the bar in his opposition to the contemplated appointment of three new Judges, whose united salaries were to amount to £15,000. His right hon. and learned Friend the Member for the University of Dublin (Dr. Ball), for instance, made anxious inquiries as to the time when the Bill would come into operation, and the hon. and learned Gentleman the Member for Frome (Mr. T. Hughes) in his innocence supposed, if the Government got the discretionary power which they asked—a power which would place at their disposal salaries amounting to £15,000—that they would not exercise it in appointing new Judges and conferring high salaries upon them. He (Mr. Harcourt) protested against the doctrine that Law Lords were to receive pensions, which were not superannuations, without being



required to render the country some service, if they were able to do so. He would not waste time by dividing upon the Amendment; but when the question of the pensions of the Law Lords arose upon an Amendment of the Attorney General, he would certainly ask the opinion of the Committee as to whether or not the public had a right to expect and ask the services of the Law Lords in the Appellate Court in consideration of their pensions. If the Committee came to an affirmative conclusion, then he thought these three additional Judges might be got rid of.

LORD JOHN MANNERS reminded the Committee that the late Lord Kingsdown and the late Lord Devon had given the country the benefit of their competent professional knowledge without pension or remuneration, in discharge of their duty, not only to their order, but to the Sovereign and the country. When it was proposed to abolish the connection which had hitherto existed between the House of Lords and the appellate jurisdiction of the country, then the position of ex-Chancellors *qua* the appellate jurisdiction was entirely changed. This was one of the many inconveniences which would arise from the hasty and precipitate decision of the Lords as to the abolition of their appellate jurisdiction. He regretted that decision; but, as far as this House was concerned, he did not regard the debate on the interpolated Motion of the hon. and learned Member for Salford (Mr. Charley) as finally settling the question of their Lordships' appellate jurisdiction. The more the Bill was discussed the more did we exhibit our helplessness in the formation of an Appellate Tribunal, which was to be a substitute for the House of Lords. When they came to discuss the clauses which dealt more particularly with the formation and constitution of the proposed substitute for the Court of Appeal, they would find themselves in inextricable confusion.

*Amendments (Mr. Attorney General) agreed to.*

MR. OSBORNE MORGAN, with the object of securing the appointment in each Common Law division of the Court of at least one Judge practically conversant with the practice and principles of Equity, moved, in page 2, line 24, after "this Act," to add—

*Mr. Vernon Harcourt*

"And so many other judges, to be appointed by Her Majesty by letters patent, as may be required to constitute the several divisions of the court as hereinafter provided; and such other judges may be appointed by Her Majesty, and assigned to their respective divisions by letters patent, either before, at, or after the time appointed for the commencement of this Act: Provided always, That no such appointment shall come into operation before the time appointed for the commencement of this Act."

He disclaimed any intention to stereotype the distinctions between Law and Equity; but said the distinctions existed and could not be ignored. He provided by a subsequent Amendment that the offices he proposed to create should not be filled up unless, by death or retirement, the number of Judges in each division fell below five. The object of the Amendment was to provide for a transitional period, and could not cost more than £16,000 altogether.

THE ATTORNEY GENERAL opposed the Amendment, not on the ground of economy, because if it could be shown that even a greater outlay would facilitate the administration of justice, he would support it; but here the Court did not require that additional strength which it was the object of the hon. and learned Gentleman's Amendment to confer upon it.

MR. OSBORNE MORGAN said, that of course it was quite useless to go to a division in which he would be out-voted at once, and he would therefore withdraw the Amendment.

*Amendment, by leave, withdrawn.*

MR. VERNON HARCOURT moved, in page 2, line 27, to leave out from "all persons," to "as heretofore," in line 33. As the divisions of the Common Law Courts were to be removed it was not too much to ask for the omission of all statements which regarded the existence of these divisions as permanent matters. Suppose the Queen in Council determined that, the transitional period having passed, the time had come to abolish the divisions in the Courts. What would then be the position of these great officers? The Courts would be abolished, yet the Chief Judges would be perpetuated under their present titles, which could not be affected by an Order in Council, having been created by statute. This would not be the play of *Hamlet* with the part of Hamlet left out; it would be the part of Hamlet with the play itself omitted.

THE ATTORNEY GENERAL said, he thought there was no necessity for the omission of these words. The power given to the Queen in the Bill to abolish the divisions would equally give her power to abolish the titles of the Judges composing the divisions. If there was any doubt on this point, he was quite ready to introduce words in clause 29 which would make it clear that the offices would not survive the divisions.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL moved, in page 2, line 38, at end add—

“Provided always, That if at the commencement of this Act the number of puisne justices and junior barons who shall become judges of the said High Court shall exceed twelve in the whole, no new judge of the said High Court shall be appointed in the place of any such puisne justices or junior baron who shall die or resign while such whole number shall exceed twelve, it being intended that the permanent number of judges of the said High Court shall not exceed twenty-two.”

Proviso *agreed to*.

Clause, as amended, *agreed to*.

Clause 6 (Constitution of Court of Appeal).

MR. VERNON HARCOURT said, he thought that what had occurred to-day placed the Committee in greater difficulty than ever, for the Government had not only not made up their minds what they would do with the Scotch and Irish appeals, but were equally in doubt what they would do with regard to the additional Judges. The Prime Minister had reserved to himself a discretion as to the extra Judges who were to constitute the Appellate Court. The Committee did not know who they were to be, where they were to come from, or whether they were to be appointed at all. The Appellate Court, therefore, of which we had any certain information consisted of the two Lords Justices and the four Judges of the Privy Council. If that were to be the new Appellate Court which was to supersede the House of Lords, he was sorry he had voted for the abolition of the appellate jurisdiction of the House of Lords. Before the House proceeded further with the matter, he thought the Attorney General should state what was to be the constitution of the Court. He had already stated his objections to classify these Judges as *ex officio*, ordinary, and additional Judges, and he would therefore move in page 3,

line 5, to leave out from “there shall be,” to “*ex-officio* Judges,” in line 7, and insert “the first Judges thereof.”

MR. SPENCER WALPOLE said, if the Committee went into the clause at all they could not postpone it. He did not think the clause could be properly dealt with until the Committee knew exactly what the scheme of the Government should be, and therefore moved that the clause should be postponed.

THE CHAIRMAN said, that as there had already been an Amendment moved upon the clause, he could not receive the Motion for postponement unless the Amendment were withdrawn.

THE ATTORNEY GENERAL said, the Government could not accede to the proposal that the clause should be postponed. It was true they had acceded to certain changes; but these would not affect the constitution of the Court of Appeal as far as it was now under discussion, and the Committee were substantially in possession of the views of the Government upon the subject. He denied that the transfer of Scotch and Irish business to the new Court rendered necessary a postponement of the discussion. His right hon. Friend at the head of the Government had stated that there would probably be some judicial representation of Scotland and Ireland in the Court; but that introduced no uncertainty. All the Committee had to do was to consider the constitution of of the Court as an English Appellate Court, and any Scotch and Irish element hereafter introduced would not make the constitution of the tribunal to any extent uncertain.

MR. SPENCER WALPOLE said, he did not wish to impede the progress of the Bill; but he contended that until the Committee knew from what source the Scotch and Irish Judges would come they could not legislate with certainty in constituting the Court of Appeal. The number of the Court would also be materially affected by the future proposals of the Government. It would be easier to go on with the other clauses than to prolong a discussion upon the future constitution of the Court.

THE LORD ADVOCATE observed that the postponement of the clause would not gain the object which the right hon. Gentleman had in view, which could only be attained by an Instruction of the House. Under that Instruction

the clause might be modified, and the House would not be in a position to consider that matter until the Report was brought up. He thought the most convenient course would be to pass the clause conditionally, on the understanding that it should be re-considered and committed.

MR. GORDON said, he thought a discussion of the clause at present would be a waste of time, since it was not the clause which the Government would ultimately propose. He quite understood yesterday that when the Committee came to Clause 6 the Government would state to the Committee the Amendments they proposed, or that some indication would be given of them; but they had not done so. This was one of the most important questions in the Bill. He thought the question of the Appellate Court had been too hastily decided by the House of Lords, and he hoped it would be reconsidered. The Scotch Members who met yesterday were of opinion that, at any rate, there should be a proper representation of Scotland upon the new tribunal. He suggested that the question of the Appellate Court should be postponed for another Session, when the House of Lords and the House of Commons might consider whether the appellate jurisdiction of the House of Lords should be abolished, and, if so, how it should be replaced.

MR. GLADSTONE said, the real meaning of the objection taken by the hon. and learned Gentleman opposite (Mr. Gordon) was to postpone to another year the discussion of the question of appellate jurisdiction. Such at least was the practical meaning to be attached to his words. He (Mr. Gladstone) did not apprehend, however, that was by any means the object of his right hon. Friend (Mr. Spencer Walpole) who had brought forward this Motion, who had doubtless stated his entire purpose, and whose proposal he would treat upon its merits. He was not aware that there was any embarrassment, and even if this clause were postponed, the same difficulty would present itself when the clause came on again for discussion, because it might be said that the title of the Bill would still prevent the Committee from including Ireland and Scotland within its provisions. There was but one thing the Government could do towards smoothing the path of the Com-

mittee, and that was to make known the substance of the Amendments they would have to propose. One of these, as to which there was no difficulty, would extend the jurisdiction of the Court of Appeal; but the difficulty which was felt by those hon. Gentlemen who felt any difficulty at all, had relation to the composition of that Court, which, as the Bill stood, consisted of five *ex officio* members and nine ordinary members, of whom three were to be found by means of new appointments. The Government thought it would be necessary to introduce into the Court of Appeal one ordinary member from the legal profession in Ireland and one ordinary member from the legal profession in Scotland. Together with the ordinary members so appointed it would be right to make an addition to the *ex officio* members of the Court of Appeal, and this addition would consist of not fewer than one from Scotland and one from Ireland. He was not able, however, yet to say whether it would or would not be expedient to proceed beyond that. This, he thought, comprised the whole substance of the case except as to one point in respect to which the Government had not yet arrived at a conclusion—namely, whether the arrangement he had just sketched out with reference to ordinary members chosen from the legal profession in Ireland and Scotland would or would not require any addition to the number of Judges. This, however, was not a question which need lead to embarrassment, because if there were any addition whatever, it would be the smallest possible addition. His right hon. Friend would now perceive what was the nature of the plan the Government intended to propose, and would probably admit that there could be no advantage in the postponement of the clause on the ground that the Committee would be better able to deal with it at a future period. He saw no reason why time should be lost. It would be necessary to re-commit the Bill; but before then the Government would be able to put the Committee in possession of the exact terms they proposed, and, under these circumstances, he hoped the Committee would proceed at once with the clause.

MR. SPENCER WALPOLE feared that question after question would arise as to the constitution of the Appellate Court as the matter at present stood, and

there would be other questions consequent upon the proposed addition to the duties of the Appellate Court. If his right hon. Friend at the head of the Government could undertake to put into shape the clause of which he had given Notice and the Amendments that he would introduce in reference to the Court of Appeal, so that they would be able to go into the question on Thursday next, he saw no reason why they should not postpone the clause now under consideration, and go on with the other clauses.

MR. HENLEY said, that the impression on his mind was that the Government never intended to include Ireland and Scotland; because why should the Committee be left labouring to fit up an appeal clause which would suit for England alone, and would be very unsuited to appeals from Ireland and Scotland.

THE ATTORNEY GENERAL said, he thought that when the Prime Minister said that he would accept the proposition in good faith, it would be taken that he meant what he said. He would undertake to place the Amendments on the Paper, so that they would be in the hands of hon. Members by Thursday morning, and he trusted that under the circumstances there would be no difficulty in proceeding with the discussion of the clause.

SIR RICHARD BAGGALLAY said, he thought the better course to adopt now would be simply to report Progress. It was impossible to proceed with this part of the clause without knowing not only how many additional Judges the Government meant to appoint, but also how they meant to deal with the Lord Justice General or the Lord Justice Clerk in Scotland, or the Lord Chancellor, or the Lord Justice of Appeal in Ireland. He hoped the Government would consent to reporting Progress.

MR. GLADSTONE said, that he could not accept the principle that they ought to report Progress at a quarter-past 8; but understanding that there would be some difficulty in dealing with the clause without the Amendment of the Government being before the Committee, he was willing to move that the Chairman should report Progress.

MR. GATHORNE HARDY said, he hoped that to-morrow afternoon they would be made acquainted with the final

decision of the Government relative to the precise number of the Court, otherwise they might find it necessary to alter the provision they had already passed.

MR. GLADSTONE said, it was impossible in a Bill of this kind absolutely to declare the amount of judicial strength they might find it their duty to recommend; but they would come as near as they could towards informing the House either precisely what was intended, or that the question left open should be brought within the narrowest possible limits.

MR. MATTHEWS observed that it would not be possible to introduce these Amendments until the Bill had gone through Committee; and how could they discuss properly the existing clauses with the Amendments hanging over their heads? The Bill had better be re-committed and the matter then discussed, so that there would be no necessity for going over it twice.

Committee report Progress; to sit again upon *Thursday*.

#### TURNPIKE ACTS CONTINUANCE, &c. BILL—[BILL 199.]

(*Mr. Herbert, Mr. Stansfeld.*)

#### SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. R. N. FOWLER said, that a noble Friend of his (Lord Henry Thynne) had an Amendment on the Paper that the Bill be read a second time that day three months, and that as he was absent, being obliged to leave town to attend quarter sessions, he would appeal to his hon. Friend to postpone the discussion. He begged to move that the debate be adjourned.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Robert Fowler.*)

The House divided:—Ayes 142; Noes 218: Majority 76.

Original Question put, and agreed to.

Bill read a second time, and committed for *Thursday*.

The House suspended its Sitting at a quarter to Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### EPPING DRAINAGE.

##### OBSERVATIONS. RESOLUTIONS.

SIR HENRY SELWIN-IBBETSON rose to call attention to the way in which the Local Government Board are dealing with the Drainage and Water Supply of the town of Epping, and their proposal to raise an additional rate on the inhabitants for further experiments; and, to move—

“That it is inexpedient that any such further rate should be raised in the present unsatisfactory state of the works, and whilst the uncertainty still exists of obtaining a sufficient water supply to justify their expenditure of such a large sum of money,”  
when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter  
after Nine o'clock.

#### HOUSE OF LORDS,

Wednesday, 2nd July, 1873.

Their Lordships met for the despatch of Judicial Business only.

House adjourned at Four o'clock, till  
To-morrow, half past  
Ten o'clock.

#### HOUSE OF COMMONS,

Wednesday, 2nd July, 1873.

MINUTES.]—SELECT COMMITTEE—Civil Service Writers, *nominated*.

PUBLIC BILLS—*Second Reading*—Monastic and Conventual Institutions [62], *put off*.

Considered as amended—Blackwater Bridge\* [213].

*Third Reading*—National Debt Commissioners (Annuities)\* [201]; Public Works Loan Commissioners (School and Sanitary Loans)\* [203], and *passed*.

*Withdrawn*—Real Estate Settlements [38]; Landlord and Tenant [56].

#### REAL ESTATE SETTLEMENTS BILL.

(Mr. William Fowler, Mr. Robert Brand, Mr. Watkin Williams.)

[BILL 38.] SECOND READING.

Order for Second Reading read.

MR. W. FOWLER, who was in charge of the Bill, said, he wished to make an explanation. He felt so much the importance of the Bill (the Landlord and Tenant Bill) which stood second on the Paper, which had been so largely discussed in almost every agricultural district in the kingdom, and to which so much importance was attached by the tenant-farmers and by many of the landlords of England, that he thought a full opportunity should be given for the discussion of it, and as the principle of the measure which stood in his name had been twice discussed in the present Parliament, he thought he should be doing his duty in waiving his right to ask that his measure should be read a second time, in order that the Landlord and Tenant Bill might be brought forward for discussion. Since he had given Notice of his intention to waive his right, he was much surprised to hear that there was a disinclination to submit the Landlord and Tenant Bill to the discussion of the House. He very much regretted that the illness of the author of the Landlord and Tenant Bill (Mr. James Howard) should prevent the discussion of a subject which was of the highest importance; but after the Notice he had given, the only thing that he could do was to move that the Order for the Second Reading of the Real Estates Settlements Bill be discharged.

*Moved*, “That the Order for the Second Reading of the Bill be discharged.”—  
(Mr. William Fowler).

*Motion agreed to.*

Order *discharged*; Bill *withdrawn*.

#### LANDLORD AND TENANT BILL.

(Mr. James Howard, Mr. Clare Read.)

[BILL 56.] SECOND READING.

Order for Second Reading read.

MR. CLARE READ said, that last night he received information by a telegram from the hon. Member for Bedford (Mr. James Howard), who was to have moved the second reading of this Bill, that indisposition would prevent him being in his place to move the

second reading, and, therefore, he (Mr. Read) had to perform the very painful duty of asking the House to discharge the Order for the Second Reading of the Bill, and of giving Notice, on behalf of his hon. Friend, that, should the present Parliament sit again after the present Session, he would, at the earliest opportunity, re-introduce the Bill.

*Moved*, "That the Order for the Second Reading of the Bill be discharged."—*(Mr. Clare Read)*.

SIR WILFRID LAWSON expressed his regret at the conclusion at which the hon. Member for South Norfolk had arrived, in moving that the Order for the Second Reading of this Bill be discharged. It was a most important question, especially as regarded the agricultural interest, and no one was better able to deal with such a subject than the hon. Gentleman. Moreover, he (Sir Wilfrid Lawson) thought it was proper that the country should learn the opinions of the great Conservative party upon the question of tenant right. Under these circumstances, he hoped the House would not permit the Order to be discharged, but insist on the Motion for the Second Reading being proceeded with, and the subject thoroughly discussed, and with that object, would move, as an Amendment, that the Order be proceeded with. If it were postponed, the House, on a hot afternoon in July, would have to deal with the Bill of the hon. Member for North Warwickshire (Mr. Newdegate)—namely, the Monastic and Conventual Institutions Bill.

MR. CORRANCE believed the Bill of his hon. Friend to be a most important one, but at that late period of the Session, he exercised a sound discretion in moving that the Order be discharged. He regretted the absence of the hon. Member for Bedford, and still more the cause of it; but although the Bill might involve a question of great importance, it was too late now to discuss it. He did not think that the House should be turned into a debating society for the purpose of merely discussing this question just before a General Election.

MR. BRAND said, he hoped the hon. Baronet the Member for Carlisle would divide the House on the proposition of withdrawing the Order for the Second Reading of the Bill. It was a question of great importance, and should

therefore be discussed by the House, and not withdrawn in the inconsiderate manner proposed by his hon. Friend. The majority of the Conservative party had expressed their intention of voting for the second reading of this Bill, the object of which seemed to be to catch popular favour. He, therefore, thought the Bill should be submitted to discussion, and he was opposed to the discharge of the Order for its Second Reading.

LORD ELCHO said, he had heard with some surprise that last night, at 12 o'clock, a notice had been posted up at the Carlton, stating that the Bill would not be proceeded with at the morning sitting; and although his hon. Friend (Mr. Clare Read) did not think fit to proceed single-handed with the measure, there could be no doubt that he was quite able to deal with it. He (Lord Elcho) had given Notice of an Amendment, declaring that the House was not prepared to prohibit freedom of contract between landlord and tenant. Considering that the subject had been so largely discussed, and that pamphlets had been published upon it, he regretted that no discussion could now take place. He believed that there were in the Bill principles which were good and sound, but that there were other things in it which were wild, and on which Parliament ought to put its foot.

VISCOUNT ROYSTON said, that he had heard of no opinions on his side of the House in favour of the second reading of the Bill as it stood. He had, however, heard that if certain clauses were withdrawn, there would be no objection to the second reading. He greatly regretted that the discussion could not be proceeded with; but, on the other hand, he did not believe that the Bill would prove satisfactory to the country. The absence of the hon. Member for Bedford (Mr. James Howard) was an unfortunate affair, and still more so the cause of it; but he thought the hon. Member for South Norfolk (Mr. Clare Read) had exercised a wise discretion in moving that the Order be discharged. Many distinguished Members of the Conservative party were now discharging their duty at the quarter sessions. He therefore deprecated any attempt to proceed with the Bill.

MR. BRUCE regretted the absence of the hon. Member for Bedford (Mr. James Howard), and the postponement of a

more useful and interesting discussion than often occupied the House on a Wednesday, and he did so the more especially, as it was one which had received the careful consideration of the Government, and upon which they were prepared to express their opinion, if the Bill had proceeded to the second reading. The course of proceeding in withdrawing the Order was exceedingly unusual, and no man was better able to handle the subject than the hon. Member for South Norfolk (Mr. Clare Read); but in the unavoidable absence of the promoter of the Bill, no other course could perhaps be taken. He hoped, therefore, his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) would not insist that the House proceed with the discussion.

MR. WHITWELL thought that the country at large would extremely regret the withdrawal of the Bill. After the expression of regret by the right hon. Gentleman, and the interest said to be taken by the Government in the Bill, a day ought to be fixed for a discussion on the second reading.

SIR RAINALD KNIGHTLEY also regretted the collapse of the discussion, but he agreed that it would be unusual and inconvenient to force it on under the circumstances. As to one principle of the Bill—so far as compensation to tenants for unexhausted improvements was concerned, a large number of hon. Members on that side of the House had already granted it. As his hon. Friend the Member for South Norfolk did not wish to undertake the question single-handed, he thought he had taken the proper course.

LORD HENRY SCOTT said, he had always understood that the main principle of the Bill was, that compensation should be given for unexhausted improvements, where it was not secured by other means. Where that could be obtained it was most desirable. At the same time, he very much deprecated the provisions which would preclude the right of free contract. Such a principle was as applicable to commerce and to trade as it was to agriculture, and Parliament could not possibly sanction it.

MR. PARKER said, that the country believed that there was some unwillingness on the part of the House to express their feelings on the principles involved in the Bill. Although the Bill did not

extend to Scotland, it was regarded with great interest by agricultural constituencies there, who would naturally regret the withdrawal of the measure. He had received a great number of communications respecting it, and if the House went to a division he should certainly vote that the Bill be proceeded with.

MR. WREN HOSKYNs thought the withdrawal of the Bill was one of the greatest calamities of the Session. A discussion upon it would have shown who were the true friends of the farmers in that House. He hoped that the Government would take steps to have a full discussion on the subject. The question was brought before the House in 1848 by Mr. Pusey, and had remained dangling ever since. At that time the Conservative party were against tenant-right.

MR. PELL thought the hon. Member for South Norfolk was perfectly justified in moving that the Order be discharged. He contended that after the posting of a notice at the Carlton Club to the effect that the Bill would be withdrawn, the House could not, in the absence of their Leaders, proceed with the discussion of this measure. What would have been said in the course of discussion would have had greater reference to the next General Election than to the actual merits of the question.

MR. SERJEANT SHERLOCK, as an Irish Member, would have liked to have heard the question discussed, because, notwithstanding the Irish Land Act, there was a good deal of excitement in some agricultural districts in Ireland, and the Land Question was not considered finally settled there. The Bill appeared to go further in some respects than the Irish Land Act.

MR. SPEAKER reminded the hon. and learned Member that the Motion before the House was that the Order for the Second Reading of the Bill be discharged. To go into the merits of the Bill upon such a question would be quite out of Order.

MR. SERJEANT SHERLOCK, resuming, asked the House not to assent to the withdrawal of the Bill, as the whole of the United Kingdom was interested in a discussion of this question.

MR. A. EGERTON said, the principle of compensation for unexhausted improvement was generally admitted; but objecting, as he did, to other parts

of the Bill, his vote upon the second reading would have depended upon the concessions which were made by the promoters. The hon. Member for South Norfolk would have been unable to give any satisfactory assurance upon the point; and had therefore exercised a sound discretion in withdrawing the Bill.

MR. W. FOWLER said, he had sent to the hon. Member for Bedford (Mr. James Howard) a telegram to which he had received no reply, informing him that his Bill would be taken first that day. Universal disappointment would be caused by the withdrawal of the measure.

MR. G. E. M. MONCKTON said, that his constituency strongly objected to the Bill. It was true that they were protected by local custom; but they felt that under the Bill they would be in a worse position than they occupied now.

MR. HENLEY said, the 2nd of July was quite a sufficient justification for withdrawing the Bill, for no one could expect any legislation on the subject during the present Session. There seemed to be a fixed determination on the part of the House to do no Business on Tuesday and Friday evenings. If, therefore, the Bill went on, time would be wasted, and worse than wasted, in making speeches upon a matter which everybody knew perfectly well would come to nothing.

MR. M'LAGAN observed that the votes of many hon. Members would depend on the concessions which the hon. Member for Bedford intended to make; and as that hon. Member was not present, he thought the hon. Gentleman (Mr. Clare Read) was perfectly correct in the course he had taken. If the Bill had proceeded, he (Mr. M'Lagan) would have been prepared to show that, while fully recognizing the tenant's right to compensation, the plan set forth in the Bill was not the best calculated for the advancement of agriculture.

VISCOUNT MAHON said, he concurred with the promoter of the Bill as to the principle of compensation for unexhausted improvements, and hoped the Bill would be introduced next Session without the objectionable clauses restricting freedom of contract.

MR. MUNSTER pointed out that the Bill had been before the House since the 18th February, and therefore he

was surprised that it should not be proceeded with.

COLONEL NORTH contended that there was no time left in that Session for properly discussing this subject, which was one of very great importance to the country generally.

SIR WILFRID LAWSON said, that after the expression of the opinion of the House, he should not press his opposition to the discharge of the Order. The discussion that had taken place was no doubt highly instructive.

Amendment, by leave, *withdrawn*.

Motion *agreed to*.

Order *discharged*; Bill *withdrawn*.

LORD ELCHO said, he thought it of the utmost importance that the House should discuss the general question of interference with contracts. He would, therefore, give Notice, that on the first favourable occasion, he should move as an independent Motion the Resolution which stood in his name on the Notice Paper:—

"That this House, while ready to consider any well-devised measure which, in the absence of any lease or agreement, proposes to give reasonable security to the capital of the Tenant invested in the land, and due protection to the property of the Landlord, is not prepared to prohibit freedom of contract in England between Landlord and Tenant."

# MONASTIC AND CONVENTUAL INSTITUTIONS BILL.—[BILL 62.]

(*Mr. Newdegate, Mr. Holt, Sir Thomas Chambers.*)

## SECOND READING.

Order for Second Reading read.

MR. NEWDEGATE.—Mr. Speaker, in moving "That the Bill be now read the second time:" I am glad to avail myself of the present opportunity to describe what it is I now propose, although it has come upon me somewhat unexpectedly. I feel that the House may fairly expect that I should state my reasons for proposing the second reading of the Bill. The House will remember that I have been twice permitted to introduce this measure. Early last Session the House gave me leave to bring it in; but such was the encumbered state of the Order Paper, crowded with Bills, many of which were never likely to receive the decision of the House, that last Session I was unable to take



the sense of the House upon the Bill. Again I have been denied the opportunity until this late period of the present Session. I am perfectly aware, Sir, that the opposition to the Bill has been, and is, of an indirect, but of a most pertinacious character. It is the same opposition that has been offered in every country where these Conventual and Monastic Institutions have existed, whenever any proposal has been made that they should be regulated by law, or controlled by the Government. It is the same opposition—the opposition of the party which is called Ultramontane in some countries, and Clerical in others; a party devoted to promoting the universal power of the Papacy as universal. Early in the present Session the very unusual course was adopted of resisting by a division the introduction of the Bill. The hon. and learned Member for Dungarvan (Mr. Matthews) moved that I should not be permitted to submit the Bill to the House; but the House decided by a majority of two to one that it would entertain the subject-matter of the Bill. Again, to-day, at the outset of this discussion, I observe a manifest unwillingness to entertain the subject; and why is that? Is it because the subject-matter of the Bill is insignificant? The example of the Parliament and Government of the German Empire in passing a measure which completely re-organizes the ecclesiastical jurisdiction of the State, in consequence, avowedly, of the action of the Monastic Orders upon the Roman Catholic Bishops in that country, confutes the idea that the subject is insignificant. Is the form in which I suggest the inquiry, which the Bill would institute, unnecessarily offensive? This is the second reading of the Bill. I have stated before, and I repeat, that I should be ready in Committee, if the Bill should remain until that stage in my hands, to adopt any reasonable suggestion that may render the measure as inoffensive as possible to my opponents. My opponents may claim to represent the whole Roman Catholic population of this country; but I at once deny the validity of that claim. They may represent the ecclesiastical authorities of the Church of Rome; but I deny that they represent the whole body of the Roman Catholic laity. They may represent a majority of the laity; but I know that they do not represent a large

minority of their co-religionists, nor is it reasonable to suppose that they do. Far more stringent measures have been adopted with respect to those institutions by the Roman Catholic Parliament of Italy than is proposed by the Bill, which is solely for inquiry. The Italians who know these institutions better than any other nation—they who most thoroughly understand the social effects of these institutions—they who can best appreciate the political dangers which these institutions have entailed, the Italian Parliament, have passed a law for the suppression of Monastic Institutions. You cannot say that they are not Roman Catholics. You cannot say that the Spanish nation is not Roman Catholic, and yet in Roman Catholic Spain the legislation of late years has shown a manifest consciousness of the political necessity that has existed for suppressing Monastic Institutions. And what is the aspect of Spain now? That those who formerly defended these Monastic Institutions, and in many cases persons who were members of those institutions, are actively contributing to plunge that country into civil war, and seem to have rendered all settled form of government impossible. I say, then, that it is not because this is a little question that I am met by this opposition. It may be asked, why do I not leave this measure to be introduced by Her Majesty's Government? In reply, I will appeal to the history of kindred proposals. This question has been entertained by the House during several Sessions. In 1851, it was raised in the form of a Bill for the inspection of convents. In 1853, the House of Commons, by large majorities, repeatedly declared that inspection of convents of women by the authority of the State was necessary. Again, in 1854, by large majorities, the House affirmed the same opinion; but in every one of those instances the House was baffled by what they call abroad the clerical opposition. In 1864, a question as to certain property which was obtained by the Oratorians at Brompton arose, and I moved for the appointment of a Select Committee in this House that should inquire as to the position and the relations of these institutions with respect to property; that proposal was rejected by a small majority. In the following year, I moved that a Select Committee of this House should inquire

*Mr. Newdegate*

into the number of inmates in such institutions, as to the circumstances, property, position, and discipline of those institutions, and that Motion was rejected by a small majority. In 1868 and 1869, I moved that the relations of these institutions to property, that the rapid increase of their number, and the methods by which they were acquiring property should be investigated by this House. The majorities against these proposals diminished gradually, until in 1870 the House decided—first, by a small majority, but afterwards by larger majorities, that the increase of these Monastic and Conventual Institutions, their acquisition of property, their character and the inefficient state of the law with respect to them should be referred to a Select Committee of this House.

Notice taken that 40 Members were not present; House counted, and 40 Members not being present, and it not being Four of the clock:—When other Members entered the House, Mr. Speaker again counted the House, and 40 Members being present,

MR. NEWDEGATE resumed: Mr. Speaker: I cannot but express the regret I feel at the attempt which has been made to destroy the free action of this House. The hon. Members who had left the House, and have now returned to it, are perfectly aware that when once you, Mr. Speaker, have taken that Chair at noon on a Wednesday you must remain in it until 4 o'clock. I can only therefore consider this form of opposition as threatening both the Orders and the free action of this House. If, Sir, I could feel that in the course I am pursuing there was any justification for the attempt which has now been made, such consciousness would occasion me the deepest regret; but, on the contrary, I feel that by submitting this proposal to the House, and by resisting such attempts, I am vindicating the independence of the House of Commons, and the right of this country to be represented on all subjects, not according to the will of a small minority in this House, however influential may be the organization that supports that minority, but according to ancient usage, so that this House shall fully represent the deliberate judgment of the country upon every subject which it is competent for the House in your judgment, Sir, to entertain. I will

now proceed further to explain the purport of the Bill; what is the object of the Bill? The Bill proposes that exemption from inquiry by Commissioners which has hitherto been permitted to these Monastic and Conventual Institutions of the Church of Rome shall cease. The institutions of every other denomination have been inquired into by Commissioners, appointed either under the Sign Manual of Her Majesty, or by statute; and I say, Sir, that it is an anomaly, that exemption from inquiry should be permitted to these Monastic and Conventual Institutions. This peculiar privilege of exemption commenced with the exception of these institutions from the operation of the Act of 1853, which constituted the Charity Commission. It is with a view to terminate this peculiar, and as it now appears to be considered privileged, exemption that I introduce the Bill. Sir, the Bill proposes that Commissioners shall be appointed for three years, and knowing that a plea has been advanced that these institutions, or some of them, are of so peculiar a nature that it will injure the feelings of the Roman Catholic Members of this House, and of Roman Catholics generally, if any Commissioners should be appointed and empowered to inquire into those institutions, I propose that the Commission of Inquiry should be thus constituted. The proposal is not as yet embodied in the Bill as it stands; but I have given Notice that I intend to move in Committee that the Commissioners to conduct this inquiry shall be appointed in the following manner—namely, one by the Lord Chancellor, one by the Speaker of the House of Commons, one by the Lord Chief Justice of the Court of Queen's Bench, two by the Roman Catholic Poor School Committee; and I select that body, because it is the only exclusively Roman Catholic organization which has hitherto been recognized by Parliament. It is recognized as the recipient of the grant of public money made to Roman Catholic schools, and is treated as the body to which is committed the administration of those schools, subject, of course, to inspection by the State. I propose that another Commission of Inquiry be appointed by the Charity Commissioners, under whose jurisdiction Parliament has twice decided to place these institutions—first, during the passage of the Act constituting the

Charity Commissioners in the year 1853. The exemption of these institutions was not granted until that Bill which had come down to this House from the House of Lords had reached its third reading. The exemption of those institutions was granted during the passage of that Bill through its last stage. Again, in the year 1860, I supported a Bill which was introduced by my late Friend (Sir Charles Selwyn), afterwards one of the Lords Justices, and which was adopted by the late Sir George Lewis. The Roman Catholic Charities Act of 1860 passed both Houses of Parliament with the intention of including under the operation of the law the property of these institutions; but in doing that, to meet as far as possible the objections raised by the representatives of the Roman Catholic hierarchy. That Bill, Sir, by its operation enabled a large amount of Roman Catholic charity property to be enrolled; but the period for enrolment under the provisions of that Act ceased in 1861, and since then Roman Catholic trusts have ceased to be practically amenable to the general law by enrolment, so as to be accessible to the inspection of the Charity Commissioners and persons interested in that property. I think I have said enough to show the House that the exemption of these institutions, and of the property which they are rapidly acquiring, is peculiar and anomalous. Why, I ask, should the whole class of these rapidly-increasing institutions be exempted from the operation of the general law with respect to the acquisition of property? Why should a large class of institutions, like these Monastic and Conventual Establishments, be left beyond the purview and reach of the law? That the Monastic Institutions are illegal has been proved by the Roman Catholic witnesses who appeared before the Select Committee of 1870. If they are innocent, why should they be illegal? Then, take the case of convents of women, which are not illegal. These convents, and I will give their number presently, are rapidly increasing and acquiring property; why should they, in this country, be exempt from that inspection and control by the State to which similar, nay kindred, institutions are subjected in every country in Europe where they are permitted to exist? Why, I say, should the law which prevails in Prussia, and gene-

rally now throughout Germany, not be adopted here? That law which requires that the name of every inmate of these convents should be registered and accessible to the magistrates of the district? Why, I say, should convents in this country not be subject to visitation, as convents are in France by the mayor of the arrondissement? Convents have a peculiar and unsafe exemption here, on the plea of the illegality which attaches to the manner of their acquiring and holding property. That exemption is extending, and is becoming a privileged exemption, and is thus justly exciting the jealousy of all other denominations who are subject—and properly subject—to the control of the law, and to the supervision of the State in respect of several particulars with respect to which these Roman Catholic institutions are exempt. Do I, Sir, propose any rash method of inquiry that might be termed harsh? I propose that the Commissioners shall be appointed by the highest officers of the State, and in addition to the Commissioner thus to be appointed by the Lord Chancellor; in addition to the Commissioner that shall be appointed by yourself, Sir; in addition to the Commissioner that shall be appointed by the Lord Chief Justice of the Court of Queen's Bench; in addition to the two Commissioners that I propose, should be nominated by the Roman Catholic Poor Schools Committee, I propose that one Commissioner should be nominated by a body of Commissioners, who are expressly appointed in this country to conduct a peculiar species of inquiry, in the prosecution of which any grossness, any undue interference, any want of consideration or of courtesy would be peculiarly painful to families. On account of their already proved qualifications in that respect, I propose that another member of the Commission shall be nominated by the Lunacy Commissioners; and I have selected the Commissioners in Lunacy because they are in the habit of dealing with the affairs of families without exposing their affairs to needless publicity, or inflicting unnecessary pain. It is with the view of preventing the undue coercion of individuals by families who forget their duty that the Commissioners in Lunacy have been appointed. They possess qualifications, which peculiarly fit them for their duties, and I therefore consider them the per-

sons best fitted to nominate one other member of the Commission, the appointment of which I submit to the consideration of this House. I am anxious, Sir, fully to explain the manner in which I propose that these Commissioners should be appointed—and appointed only—for the purpose of inquiry. I trust that I have shown that to the utmost of my humble ability I have sought to render this investigation, which I feel to be no less necessary in this country than it has been found to be necessary in every country in Europe, should be conducted in a manner the least offensive to my Roman Catholic fellow-subjects. There is a strong feeling in this House that it is time this exemption of these Monastic and Conventual Institutions from the control of the law, carried out by the Executive of State, should cease. Parliament has repeatedly declared its opinion in that sense, and I now ask the House again to declare that opinion. Well, Sir, there are Notices upon the Books of this House manifesting the intention of several hon. Members to invite Her Majesty's Government to undertake this question. I admit, Sir, that it is the duty of the Government to do so; but I am warned by my long experience in this House that nothing has ever been attempted by any Government in this country with regard to this subject, until the House of Commons has by a majority decided that it would undertake this subject. Under the stress of this House, in 1870, the First Minister of the Crown undertook the appointment and regulation of a Committee of Inquiry. I feel that that justifies me as an unofficial Member of this House in proposing the appointment of this Commission, because the experience of the House of Commons shows that unless the House acts in this matter for itself, and upon its own judgment, no Government has hitherto ventured to deal with this subject. I am ready, Sir, however, at once to yield this subject into the hands of Her Majesty's Government. I should greatly rejoice to see them undertake it, or hear them promise to undertake it. I am comparatively powerless myself; but I represent the deliberate opinion of hundreds of thousands of my fellow-countrymen, and I can assure Her Majesty's Government that they would receive the whole of that support; that

they would be looked up to as the first Government in this country who had undertaken to destroy this anomalous exemption, by deciding to extend the power of the State and of the law over those institutions which are exempted from the power of the State, and from the operation of the law in no other country in Europe where they are still permitted. Let me now advert to figures in order to show that since the investigations of the Select Committee of 1870 the number of those institutions has continued to increase. I will show the House how gradual, how progressive, and how steady has been that increase, and that it is continuous. The most indisputable account of these institutions must be that which was given by his Eminence the late Cardinal Wiseman. In 1864, Cardinal Wiseman attended a Roman Catholic Congress at Malines in Belgium, and I have a copy of the statement contained in the speech he then made, and in which this passage occurs—

"From 16 convents which we possessed in 1830, we have now in Great Britain 162. In 1830 we had not a single religious house for men; but in 1850 there were 11, and to-day their number is 55."

And what, Sir, was the number of convents, according to *The Roman Catholic Directory*? *The Roman Catholic Directory* showed convents of women in 1870 to the number of 233, and *The Roman Catholic Directory* for 1873 shows convents of women, 260. Then, as to the religious houses for men, his Eminence declared their number to have been 55 in Great Britain at the close of the year 1863, and I am speaking only of Great Britain. *The Roman Catholic Directory* in 1870 showed that there were 69 religious houses for men or Monastic Institutions, and in 1873 *The Roman Catholic Directory* shows the number of 77. There has therefore been an increase of eight monastic houses since 1870; that is, according to *The Roman Catholic Directory*; according to which authority also there has been an increase in the number of convents for women between 1870 and 1873 of 27. Thus, the House will observe that the increase is continuous. I know that Mr. Ouddens, a Roman Catholic lawyer, one of the legal witnesses who were called before the Committee of 1870, contradicted the statement which appeared in *The Roman Catholic Direc-*

tory that there were 69 religious houses for men. He also contradicted the statement of his Eminence, who said that there were 55 at Christmas, 1863. Mr. Cudden stated that in 1870 there were only 30 Monastic Institutions; but then he added that besides those 30 Monastic Institutions, as he described them, there were 121 clerical residences occupied by members of the regular Monastic Orders of the Church of Rome. I questioned him with regard to the number of inmates in those houses; but, as was the case with the other Roman Catholic barristers and solicitors who were brought before the Committee, the moment any Member of the Committee asked what was the number of inmates within an avowed monastery, as he had described it, or in a religious house; the moment you asked Mr. Harting, or any of the witnesses who appeared in behalf either of these Monastic or of these Conventual Institutions, the number of inmates in any monastery or convent, or to state the locality of any such house, or of the property connected with it, he instantly replied that it was contrary to his duty to his clients to give any such information. I, Sir, was not satisfied with that, and I endeavoured to persuade the Committee by examination of the rate books and parochial statistics compared with *The Roman Catholic Directory* to obtain some further information; but the Committee seemed to consider such inquiry beyond their functions. They refused all such evidence. They refused evidence with respect to property, which had been received by the Court of Probate in one instance, and by the Court of Chancery in another; and the consequence was that the hon. and learned Member for Marylebone (Sir Thomas Chambers) and myself retired from that Committee at the close of the Session of 1870, and refused to serve upon it again when it was re-appointed in 1871. Now, I hold that the investigations of that Committee were incomplete—that they did not satisfy the requirements of the case or of this House. If that Committee had been able fully to investigate the subject, and had done so, I, Sir, should not now be here to move the second reading of this Bill; but I will show the House, from the concluding paragraph of the Report of that Committee, that they themselves knew that their investigations were incomplete;

and it is because their investigations, according to their own declaration, are incomplete that I, at the instance of some hundreds of thousands of persons in this country, ask this House, by statute, to appoint a Commission which shall conduct upon the spot where any of these institutions are discovered to exist, and upon oath administered to the witnesses, an investigation which I fully believe no Committee of this House, considering the opposition of the Roman Catholic witnesses to giving evidence, would be able satisfactorily to conduct. What, Sir, is the last paragraph of the Report of the Select Committee of 1871? It runs in these words—

“The observations contained in this Report will probably suggest some alterations in important branches of the law, and those alterations would be of a very different kind, according to the point of view from which the subject is surveyed. A complete discussion of the position, if any, which Conventual and Monastic Institutions ought to have in our law, and of the means by which their existence and action might be adjusted, so as to bring them into harmony with recognized doctrines of law as to mortmain and perpetuities would lead to much difference of opinion, and might exceed the limits of our inquiry, and we have therefore abstained from recommending any such alterations.”

Now, in refusing the evidence which I proposed, the Committee showed that their sense of the limits of the inquiry was so narrow that they could not accept evidence that had been received by the Courts of Law; and they conclude the paragraph in these words—“We have therefore abstained from recommending any such alterations;” that is, alterations of the recognized doctrine of the law with respect to mortmain and perpetuities. Sir, I think that that concluding paragraph of this Report shows distinctly that the Committee knew that according to their understanding of the powers conferred upon them by this House, they could not complete this investigation so as to advise Parliament safely with reference to the alterations of the law, which are necessary to bring those institutions within the compass of the law, and within the jurisdiction of the State. Therefore, founding the proposal of the Bill upon that concluding paragraph of the Report of the Select Committee of 1871, as well as upon the example of every Parliament and Government in Europe, I humbly submit to the House that a Commission should

be appointed to inquire further as to these increasing and extending institutions. Why is there need for such an inquiry? Because the state of the law in this country is not suited for the proper control of those institutions. A decision has been given by Vice Chancellor Wickens in the Court of Chancery, in the case of *Cox v. Mannes*, to this effect—that where property was left to two convents of different kinds, one being a convent at Carisbrooke in the Isle of Wight, and the other a convent of “*Sœurs de Charité*” at Selly Oak, near Birmingham, the “*Sœurs de Charité*”—ladies who are employed in works of charity—are incompetent by the law of England to take and hold impure personality; while the cloistered convent at Carisbrooke in the Isle of Wight, in which the inmates are employed only in devotional exercises, and are not permitted to exercise themselves in works of external charity, can take and hold impure personality—that is, charges upon land to any extent. Now, what is the law of France? By the law of France cloistered convents are not authorized, and such a convent as that at Carisbrooke would not be authorized—that is, recognized and capacitated by the law; whilst the convent of Selly Oak, the inmates of which are devoted to works of charity, would, by the law of France, be authorized and capacitated. Therefore the law of England is in direct contradiction to the *Code Napoléon* and the law of France. Is not that an anomaly? Look at the law of Scotland. In Scotland there was a law called the Law of Deathbed, the only Scotch law in the sense of the statutes of mortmain which our ancestors found it necessary to enact in order to prevent the undue accumulation of property in the hands of the Monastic and Conventual Orders. It has recently been the pleasure of this House to repeal the Law of Deathbed; and in consequence the Scotch people now stand in this position—that there is no law whatever to prevent the representatives of these Monastic and Conventual Institutions from acquiring any amount of real property in Scotland in perpetuity, although restrictions in the sense of the ancient law of mortmain exist in every State in Europe, exist in England, and exist in Ireland. Is that not, then, a case which demands the careful investigation of competent Com-

missioners, in order to advise Parliament how it shall proceed to deal with an exemption so peculiar and so complicated as the exemption from the operation of our laws which those institutions present? I scarcely like to advert to such a subject; but I have been before, and am now, the object of much virulent attack by the party who would by continuing the exemption of these institutions from the operation of the law establish an alien jurisdiction in this country. What is the answer by which we are met when we urge inquiry as to convents of women? We are met by this sort of answer. Dr. Ullathorne, in 1865, wrote to me in this sense—

“Why are you discontented with the supervision of these institutions? I have full authority over all the conventual institutions in Warwickshire, part of which you represent.”

It did not appear, Sir, in the case of *Saurin v. Starr* that the authority of the Roman Catholic Bishop had very much influence. For what appeared in that case? That Miss Saurin, the lady who suffered persecution in the convent at Hull, had a brother who was a Jesuit priest. The object of the Superioress, Mrs. Starr, was to compel Miss Saurin to leave her convent. Miss Saurin, supported by her brother, who was a Jesuit priest, objected to leave her convent, because it would have been inconsistent with the perpetual vows she had taken; and what was the operation of the law of England in that case? It practically intercepted the action of the Bishop who had obtained power from Rome to absolve this lady from her vows; and is not that, I ask, an anomaly? Am I to be told that the law of England is rightly used and interpreted, when it seems to intercept the abolition of perpetual conventual vows, obligations which are condemned by the *Code Napoléon* and the law of France, and which are now again virtually condemned by the recent decision of the Parliament and Emperor of Germany? Is it a satisfactory state of the law of England that it can be thus used? A pamphlet has been published by a person whom I suppose I must call “learned,” intitled *Monastic and Conventual Institutions; their Legal Position, Property, and Disabilities*. By Hugo J. Young, B.A., Barrister-at-law. London: Burns and Oates, 1873. I wish to show the House the kind of means that are employed to deter hon. Mem-

bers of this House from the performance of their duty. I have the pamphlet here, and in the Preface I find the following passage:—

“Mr. Newdegate’s most recent Bill warns us now to look into the real nature of the houses within its scope. Its very boldness seems to suggest that there must be some justification for its proposals. But it is not the boldness of justice, it is the shamelessness of depravity.”

This person gives his address—“Hugo J. Young, Lamb Buildings, Temple, E.C., 1873.” He has chambers in Lamb Buildings, but has not taken the trouble to put on sheep’s clothing; anything grosser than such an imputation as this it would be impossible to pen. Another bulky volume has been published, and inasmuch as it has been disputed that these convents are connected with monastic houses—that the Superiors of a Monastic Order—that is, of a male Monastic Order, are also Superiors over the convents of their Order; but that connection is admitted in the bulky volume to which I refer. It is entitled *Terra Incognita*, and it shows that on account of this connection convents should be included with monastic houses under any inquiry which this House may think fit to authorize. Now, I know that the hon. and learned Member for Dungarvan (Mr. Matthews) and this precious Mr. Young would have it believed that I have some design to insult or annoy the ladies who are the inmates of convents. Sir, I was aware years ago that attempts would be made to fix upon me that vile imputation. When Dr. Ullathorne, who calls himself Bishop of Birmingham, invited me to visit, accompanied by himself, the convent of Colwich and other institutions of the like nature in the county I represent, I replied that I would never enter a convent accompanied by Dr. Ullathorne or with his assistance; that I never will enter a convent except as authorized by Her Majesty’s Commission, and in the performance of my duty under that Commission; because I know that were I to do so I should become the object of these depraved accusations which exhibit a foulness of mind on the part of those who utter them totally unworthy of gentlemen. But, after all, Sir, this is quite a minor matter. There is in this country a widely-felt anxiety, a deep-seated belief, that the personal freedom of the inmates of convents is not duly secured,

*Mr. Newdegate*

and that conviction this House has repeatedly declared by its votes in 1853, in 1854; and again by the three divisions in 1870, this House has affirmed that the law of *Habeas Corpus* is inefficient, insufficient in the case of convents. I advert to this, because, when it was recently suggested in a well-known case now before the Court of Queen’s Bench, by one of the counsel, Dr. Kenealy, that a nun resident in a convent could not be brought before the Court as a witness, the Lord Chief Justice of England is reported to have said that, if any opposition were offered to the production of that witness, a little bit of paper from the Court of Queen’s Bench would open the doors of any convent in the country. What the Lord Chief Justice stated was quite true in that instance, because the Court had then before it sufficient proof that there was a particular nun resident in a particular convent; and when once furnished with that information the writ of *Habeas Corpus* is sufficient. But the difficulty in other cases is this—and this has been found and acted upon in every country in Europe except England; that the writs under the law of *Habeas Corpus* cannot be issued, unless in the first instance the Court is satisfied that there is such a person within such a convent, and that such person desires to be removed or liberated from such convent. The law fails in this—that without inspection you cannot be sure of obtaining that requisite but preliminary information; and seldom will obtain it unless under some peculiar circumstances such as those which occurred the other day in the Court of Queen’s Bench. For then counsel stated to the Court that there was a certain person who would be a valuable witness who was a nun in a convent which he described. When once the Court has that information in its possession it can proceed by *Habeas Corpus*, but without such information a writ of *Habeas Corpus* cannot be issued; and it was because the House of Commons in 1853 and 1854 was fully conscious of that failure in the law that the majority voted over and over again that convents ought to be submitted to inspection in order to ensure that the law of England should be operative within their walls. I can well imagine, Sir, whence the opposition which has manifested itself so unbecomingly in one quarter of the House to-day has arisen.

In 1870, the Rev. Mr. Gallwey published a pamphlet with reference to the Notice for a Select Committee that I then had before this House; and what is the substance of that pamphlet? The author signs his name as Father Gallwey, S. J. He declares himself to be a Jesuit, and that he is so, I believe, is well known. In that pamphlet, he enjoins upon all the nuns who are resident in this country, that rather than appear before a Committee of this House as they have appeared, and recently appeared before the Courts of this country, they should submit to be found guilty of contempt and suffer imprisonment. Such, Sir, is the advice of an eminent Jesuit to the nuns in this country. He is evidently a clever man, and has written a clever and an able pamphlet; and he entitled it *Committee on Convents. The Nun's Choice. Notes for Newdegate—Newgate or Newdegate*. It is worthy of the talent of this Jesuit to give his pamphlet such a title; but let hon. Members observe what is conveyed under this jocose title, and ask themselves whether the advice here given has no influence over these nuns? It is perfectly well known that the Conventual Order of the Sacre Cœur is connected with the Jesuit Order; and at Roehampton this Father Gallwey is not only the Superior of a monastic institution, but has also control over a convent near it. [An hon. MEMBER: No, no!] The hon. Member says "No, no!" Is it not probable that Father Gallwey in giving his pamphlet the title he chose has suggested inquiries on my part which render me better informed than the hon. Member? I have ascertained that several convents are subject to the control of monastic Superiors of the same or like Orders. That is one reason why I have in the frame of the Bill included both Monastic and Conventual Institutions. It is known that throughout the Continent these institutions are frequently subject to the same authority. Why, Sir, we who live in old houses in this country know something about the canon law of Rome. I myself live in a house that was once a priory. The priory was suppressed under a Bull which Cardinal Wolsey had obtained from the Pope for the suppression of the smaller religious houses, and I know that the constitution of that House before it was suppressed was most peculiar, for this reason—there was a

large and influential convent at Nun-eaton, and Dugdale the historian of my county, and other old records tell me that the Prior of Erdbury was the ecclesiastical inferior of the Abbess of Nun-eaton, and that that was a singular exception to the almost general rule under which an abbot or a prior was superior to the conventual institutions of his own Order in the vicinity of his abbey or priory. The Mr. Hugo J. Young, who thinks me so depraved, evidently desires that no limits should be assigned to the acquisition of property by these Monastic and Conventual Institutions. He writes as follows:—

"Tracing back to the earliest times we find monasteries holding a prominent position in the history of this country. . . . They were in fact, in most instances, corporations empowered to hold property, and the law sanctioned a tenure peculiar to them, and endowed with special advantages. This tenure was known as Frankalmoin, or free alms, and was relieved from the burdens which pressed so heavily upon feudal property. . . . None of these imposts were incident to the tenure of Frankalmoin, because, as Littleton says, the prayers and other divine services of the tenants were better for the lords than any doing of fealty. . . . Such licences of alienation in mortmain were, however, frequently granted, and we find these institutions, in the Middle Ages, the richest in Europe. To this wealth is to be traced one of the chief causes of their ultimate downfall; for, doubtless, the desire to possess himself of their property, had great weight in inducing a bankrupt and rapacious Sovereign to ordain their suppression."

That is the tenor of the history for which this Mr. Young cites the authority of Littleton. How different from the account of these matters is the view given by the historian, Lord Lyttelton—

"The great increase of religious houses must be reckoned among the evils of this age—Henry II. The author of the *Notitia Monastica* computes the number of such houses built in England, during the reigns of Henry I., Stephen, and Henry II., at no less than 300."

We are approaching the same number now—

"And Mr. Inett asserts, that more monasteries and other religious societies were founded in that kingdom during the single reign of Henry I. than in 500 years before. But he rightly observes that this was not peculiar to this nation. The high opinion of the merit of such foundations infused into the minds of the laity by the divines of those days, the hopes of compounding in this manner with the Deity for the greatest offences, but more especially the liberty granted by the Pope of commuting for vows made to go to the holy wars by benefactions of this kind, filled all Europe with convents. In the year 1152 the Cistercian Order,



which had been founded in 1098, had no fewer than 600. Among other causes of the increase of monasteries in this kingdom may be reckoned the civil war with which it was afflicted during the reign of King Stephen; for many of the nobility engaged in those troubles endeavoured to atone for the pillage of the people and other crimes they had committed, by raising or endowing religious houses, and others desired to secure for themselves and their children a quiet asylum in these places. The pernicious consequences of such numbers of men and women being confined to a life of celibacy were grievously felt in the reign of Henry II., by continuing and increasing the depopulation of the country, which the commotions in that of his predecessor had occasioned. Nor was it a small inconvenience to the Government of this monarch, in his disputes with the Pope, that he had so many persons in his realm who, by their separation from society, and the nature of their institutions, were more devoted to the See of Rome than the secular clergy, which difference showed itself upon several occasions in the conduct of both; and the practice of exempting monks from the proper authority of the diocesan Bishops increased this mischief."

Well, Sir, I believe that no one will doubt the authority or the impartiality of the historian, Lord Lyttelton. But if they do, I can quote Hallam, Blackstone, and the other eminent historians in the same sense—that the history of this country in Roman Catholic times shows that the Sovereigns found it necessary to prevent the exceeding increase of monastic and conventual houses and property; that Henry V. obtained the power to suppress several of the minor priories, and used it; that Henry VII., through Cardinal Morton, obtained the power, and used it; that Henry VIII., through Cardinal Wolsey, obtained the power, and used it; therefore, when hon. Members and others speak of the control over, or of the diminution of those institutions, as always the act of some tyrannical Sovereign, or some outrage on the part of the lay and temporal authority of the nation, I quote to them the fact, that when this country was exclusively Roman Catholic, successive Popes, at the instance of successive Cardinals, authorized and enjoined the visitation and, in many cases, the suppression of monastic and conventual houses, on account of gross abuses, which the more honest of the Popes of that time were ready to acknowledge and correct. I have therefore the authority of infallibility—if we are to be told that the Popes are infallible—that it is the duty of the State to look to it that these institutions do not unduly increase—and

they are increasing rapidly in this country; to see that they do not unduly acquire property which ought to remain the heritage of families; and to take care that the inmates of those institutions are secured of that freedom which is the birthright of every English subject. I thank the House for having permitted me to explain views which prevail widely, and are daily extending both in England and Scotland, and which I am authorized to represent on this occasion. The operation of the Bill is to be confined to England and Scotland; and I ask the House, by passing the second reading of the Bill, to sanction the procuring of such information as may indemnify Her Majesty's Government for hereafter proposing some regulation of these institutions by law, in some measure, which may be but a very mild imitation of the laws recently passed by the Legislatures of other countries. So far as I have been able to ascertain the new constitution in reference to this matter which has been adopted by the Prussian Parliament, and which will soon be if it is not already the law of the German Empire, is in its principles to be precisely accordant with the ancient Constitution of this country in Roman Catholic times. William the Conqueror, Richard I., Edward I., Edward III., Richard II., and their Parliaments all vindicated the supreme authority of the State. In the laws which the German Parliament, at the instance of Prince Bismarck have passed, they have merely adopted the same principle—the principle that the authority of the National Legislature, of the law, and of the Sovereign shall be all pervading within the State; and that no ecclesiastical authority, conspiracy, or contrivance, however combined, shall be able to bar the operation of the general law of the commonwealth or of the Empire from permeating all institutions, from duly controlling the disposition of property, and, above all, in securing the personal freedom of the people. Sir, I beg leave to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Newdegate.*)

Mr. PEASE, in moving that the Bill be read the second time that day six months, said, he believed the House would be of opinion that much of what

had been stated by the hon. Member for North Warwickshire (Mr. Newdegate) was altogether irrelevant to the subject in hand. Reference had been made to the law existing in Germany, France, Spain, and Italy; but he ventured to say that the law relating to Monastic Institutions in this country was even more stringent. The hon. Member took his stand on what he was pleased to call the incompleteness of the Report of the Committee of 1870-71. Now, he (Mr. Pease) maintained that the Report of that Committee, so far as circumstances would allow, was most complete, and entirely did away with any ground for this inquiry. It was unanimously agreed to, as a digest of the existing law upon the matter, and full information was given as to the number of the institutions, and as to the property possessed by them. In that Report, it would be found that it was a misdemeanour, punishable by banishment for life for a man to be admitted into any of those institutions, or to administer the oaths to him, and that all endowments of such societies were illegal. The Bill ignored altogether the labours of that Committee, which was exceedingly well qualified to deal with the question. It was chosen principally from the legal Members of the House, and contained a large majority of Protestants and a very limited portion of Roman Catholic Members, who were specially interested in the question. The Committee met 15 times, and had before them 29 witnesses, of whom four were from the Charity Commissioners, brought forward by the hon. Member for Longford, two by the Roman Catholics interested in the matter, two by the Chairman, and one by the hon. Baronet the Member for Dundee (Sir John Ogilvie); while there were four conveyancers to the Roman Catholic community, and 16 out of the 29 were produced by the hon. Member for North Warwickshire. Two Reports were drawn up—one by the hon. and learned Member for Dungarvan, and one by the hon. Member for West Kent. The Report agreed to by the Committee was that of the hon. and learned Member for Dungarvan, but several paragraphs from that of the hon. Member for West Kent were incorporated with it; and when the Report was agreed to, as it was unanimously, only three Members of the Committee present were Roman Catholics, while the re-

maining eight were Protestants. The Committee was appointed to inquire into the law respecting these institutions, and the terms on which their incomes and property were held and possessed. What did the hon. Member for North Warwickshire ask for? The number of those institutions since the beginning of the present century was ascertained, and their objects stated. Instead of there being any reluctance on the part of the Roman Catholic witnesses to give evidence, as stated by the hon. Member for North Warwickshire, their evidence was given in a manner reflecting great credit on their ability and desire to answer all the questions put to them. They stated their belief that there were belonging to the Roman Catholic community, in 1870, 10 Colleges for men, having attached to them 2,032 acres of land, and containing 1,172 students; that there were also 150 houses, having 20 acres of land, and congregations attached to the number of 270,000, while the school children were 92,000. The incomes were derived from personal property in support of these places, to the extent of £10,250 per annum. There were 215 convents holding women, and having great estates attached to each, to the extent of 2 roods and 34 perches for each member; with personal property in the ratio of £6.13s. 3d. to each person! There were large educational establishments for 995 children of the pauper class; 3,115 children of the middle class; upwards of 5,600 children of the poorer class; and over 4,000 belonging to other classes. This being the case, he submitted that the Committee of 1870-71 had discharged its duty completely, and that the information asked by the hon. Member for North Warwickshire was already before the House. Mr. Henry Bagshaw, a distinguished Roman Catholic conveyancer, in reply to the question—

“Will you state to the Committee in your own way what you consider the present state of the law with regard to convents and monasteries?” said, “With respect to monasteries containing monks bound by vows, there could be no doubt about their complete illegality, because of the Emancipation Act rendering the taking and administering of such oaths a misdemeanour, punishable with banishment or transportation.”

He added that there was no doubt that such institutions were in every respect as completely illegal as any association of men for any purpose could be—in the

ordinary acceptation of the term—which was illegal or immoral. Mr. Bagshaw went on to say, that all the property held by these institutions was in the present state of the law held in honour—that was to say, invested in trustees without specific trusts, and it was by them applied to the purposes for which it was intended by those who purchased the land. There was one curious provision in the Bill which related to the circumstances to be inquired into by the Commissioners, under which it was desirable to promote the emigration of women. This direction followed that by which the Commissioners were to inquire into the regulations of convents, and was somewhat significant. The hon. Member for West Kent had on a former occasion stated to the House that there had been no case made out for an inquiry such as it was the object of this Bill to obtain, except one that made such an inquiry utterly distasteful to a large portion of Her Majesty's subjects, and he (Mr. Pease) believed that this was the opinion of a large majority of the Members of the House. In order to lay the foundation of such an inquiry a *bond fide prima facie* case ought to be made out, showing that there were great abuses of the personal rights of liberty in the institution referred to; and this the hon. Member for North Warwickshire had not been able to do in a manner that was at all satisfactory to a majority of the House. The Lord Chief Justice of the Queen's Bench had stated the other day that a small piece of paper from that Court would open the door of any convent in England. A case had been mentioned of a convent in which it was alleged that a young lady was immured against her will; but the Judge demanded some proof of this, and when the young lady was spoken to by those who made this allegation, she said she preferred to remain where she was, in the belief that if she carried out her vows she would be doing that which was acceptable to God. The fact was, that if any case could be made out, the existing law was quite sufficient to reach it, and to protect the personal liberties of those who were inmates of monastic or conventual institutions. Without some strong case being made out, there was no reason why the sacred character of these establishments should be interfered with, or that the same procedure

should not take place with regard to them as in the case of private houses. Whether the inmates of the monasteries and convents were right or not, they thought that a life of ascetic and secluded piety was incumbent on them, and the House had no right, without a good case being established, to interfere with the privilege of every Englishman—to worship God according to his own conscience in his own manner. Supposing the Bill were passed, there would be some difficulty in getting the House to agree to the appointment of the Commissioner, who, according to the statement already made, was to be nominated by the Speaker. His hon. Friend would have done better to have given more credit to the Committee of 1870-71, before bringing in a Bill which proposed to deal in so objectionable a manner with a matter of such extreme delicacy. He should remember the sacred character and the religious influence and religious feeling of all our Churches, conforming and non-conforming, and which lay at the bottom of the soundest of the conditions of society. The hon. Member concluded by moving the rejection of the Bill.

Mr. MATTHEWS, in seconding the Amendment, said, the Bill was almost unexampled in the annals of the legislation of that House. Since the days of the Stuarts there never had been a Bill that in such an outrageous way violated every principle of personal liberty and constitutional right. That was not a question affecting merely the Roman Catholics, for Protestant and Catholic institutions alike would be subjected to this inquisition. A secret and unlimited inquiry was to be held into the minutest circumstances connected with the inmates of these institutions, the Commissioners were to have power to bring before them the inmates, their relatives, and even the servants; and that was the sort of Bill which the hon. Member for North Warwickshire proposed to the House in the interests of liberty. The allegations upon which the hon. Member based his case were entirely unfounded in fact. He said that in every other country in Europe, a measure of this sort existed. That allegation was quite incorrect, for in Prussia he (Mr. Matthews) was informed by a letter from Count Münster that the inspection of the convents by the State had never taken place. In Holland, another Pro-

testant country, there was no law to prohibit persons living together in community; if religious Orders restricted themselves to the rules of their Order, and did not teach, Government did not interfere with them, and they were free from inspection or supervision of any kind; but if they had schools they were subject to Government inspection. He had received similar communications from Belgium, Austria, and France, where there was no inspection of convents whatever. It was clear that what the hon. Gentleman required was not the inspection of Conventual and Monastic Institutions, but their entire suppression, and it would be better that he should at once, instead of pretending that he had no wish to hurt the religious feelings of the gentlemen and ladies connected with those establishments, come forth in his true clothing, and call for their destruction. That was what Prince Bismarck, between whom and the hon. Member a strong likeness prevailed, had done, in violation of every principle of constitutional right. That was what had been done in Spain, by a Government which wished to get possession of the vast property held by such institutions in that country. Was this country prepared to follow such examples? As a proof of friendliness to the personal liberties of the members of these institutions the hon. Member proposed to invoke the assistance of the Commissioners of Lunacy, and he also empowered his Commission to report on the increased facilities for emigration that should be afforded to women. What did he mean by that? Why, that nuns should be assisted by the State to emigrate, with or without their consent. With regard to the hon. Member's assertion that Roman Catholic charities were exempted from the jurisdiction of the Charity Commissioners, the Act of 1853 made an exception of Catholic charities, simply because under the law against so-called superstitious uses, the endowments would have been forfeited if the deeds had been brought under the attention of the Commissioners at that time. That exemption was renewed from year to year until 1860, when Parliament gave a limited protection to Catholic charities, and since that period they had been governed in all respects by exactly the same laws as were applicable to Protestant charities. Therefore, there was no

ground for the legislation which the hon. Member for North Warwickshire asked for. It was true, however, that some convents and monasteries did not come under the notice of the Charity Commissioners for the simple reason that they were not charities. The hon. Member said that the last paragraph of the Report conclusively showed that some further action by Parliament was necessary; but the fact was, that the Committee were struck by the monstrous anomaly of the present law, and that paragraph was intended as a hint to Parliament in a sense friendly to these institutions. The hon. Gentleman had quoted cases—the case of *Cox v. Mannors*—to show that convents took property contrary to the spirit of the mortmain laws; but then, not being a lawyer, he was on strange ground, for the convent not being a corporation could not receive property; but it was probable that some one, as a trustee, did take property for an institution of the kind. The hon. Gentleman had also cited the case of *Saurin v. Starr*; but if there was ever a case which showed there was no necessity for this Bill, it was that case, inasmuch as it put the public in possession of everything relating to the internal life of a convent.

MR. NEWDEGATE denied having said anything of the sort. What he said was, that a certain cloistered convent in this country had taken impure personality, and he added that cloistered convents were unauthorized convents in France.

MR. MATTHEWS thought that amounted to much the same thing in other words. The fact, however, was there was nothing in the law of France to prevent trustees from holding property for cloistered convents. The animus of the hon. Gentleman might be gathered from his proposal that the Lunacy Commissioners should appoint one of the Commissioners, thereby intimating that the gentlemen and ladies who joined those Orders were lunatics. He protested against the Bill, not merely because it was one which was directed against Roman Catholic institutions, but because of its illiberal, inquisitorial, and unconstitutional character, and for that reason must express an earnest hope that the House would throw out the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Pease.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. WHALLEY said, it was absurd to say that because these institutions consisted of religious Orders they should not be interfered with. He believed there was an almost unanimous feeling in the country that we ought not to submit to the violations of our national independence, which were perpetrated by men who called themselves Catholics. What, he should like to know, were the manners and customs of the Roman Catholic religion as it was practised in this country? It was high time, in his humble opinion, for people to ask themselves whether they ought any longer to tolerate and encourage by public money or by silence many of the doctrines and practices of that religion. In spite of the general concurrence of opinion out-of-doors, that these institutions should not be closed against Government supervision, they were called upon not merely to tolerate, but to support them, for it appeared that a special object for which Her Majesty's Government existed, was their support and encouragement. For the last 20 years there had been a continual increase of them all over the country, and Roman Catholic influence was spreading generally. He, therefore, thought that all Members who on previous occasions had voted for the inspection of convents were doubly bound to give their support to the present Bill.

MR. M'CARTHY DOWNING said, the House would remember that in 1851 the public mind was highly excited on the subject of the Papal aggression. In that year a Bill of this description was rejected by a large majority. In the same year the hon. Member for North Warwickshire (*Mr. Newdegate*) stated that in the cells of a convent near his residence dark deeds had been committed, for dead bodies were found, and no coroner's inquest had been held. In 1870 the hon. Member had further moved for a Return of all the coroners' inquests held on the bodies of inmates of religious houses, and what was the result? Why, three were held; one upon a person who was found dead in his bed—a young priest from Ireland—

a second upon one who died from heart disease, and a third upon a drowned man. [*Mr. NEWDEGATE: Those inquests were held on priests, but none were held on nuns.*] There were none held because there was no occasion to do so. Those nunneries and convents did much for the promotion of education, and was it right for the hon. Member to ask a Liberal House of Commons to interfere with those useful institutions? Was the House prepared to pass a Bill of this description on the request of the hon. Member for North Warwickshire, who was afflicted by monomania on this subject, or of the hon. Member for Peterborough (*Mr. Whalley*), who had recently published a letter which cast a most undeserved insult upon all Roman Catholics, inasmuch as it suggested that the evidence of the Roman Catholic witnesses in a pending trial could not be acted upon, they being governed by other influences than these which ought to actuate them? Yet both hon. Members affected to carry on this agitation out of pure affection to Roman Catholics. Although the Roman Catholics of the United Kingdom amounted to 6,500,000, and that they were the persons having the greatest interest in this question, no Roman Catholic had asked for the inspection of these institutions. If there was any hardship practised upon the inmates of Monastic and Conventual Institutions, who, after themselves, were most aggrieved? Their relatives. Yet there was not a single Petition of a relative of a person immured in these convents in favour of such an inspection as was now proposed. The vows of the inmates were taken in the most public manner, and after the fullest inquiry as to whether it was the real wish of the person taking them to do so, and even after they had been six months in a convent or monastery, they could leave it, if they chose. It would be a violation of their vows, but still they could do so with impunity, so far as the authorities of the convent were concerned. The fact, however, was that many of them did so, and got married and became mothers. The nuns were visited by their parents and friends, who had more interest in their welfare than the hon. Member for North Warwickshire, and who could take them out of those nunneries if they thought proper. What excuse, then,

had the hon. Member for annually disturbing the House and the country on this subject? He trusted that that would be the last occasion when useful legislation would be retarded by discussions like the present.

MR. GREENE said, that such an exhibition as had been witnessed that day, he had never seen since he had the honour of a seat in that House. While the Speaker was in the Chair, the House had been counted, although it must have been perfectly well known that the right hon. Gentleman could not leave the Chair until 4 o'clock. Such a proceeding was not less disrespectful to the Speaker than to the House, and was, in his opinion, quite unworthy of the House of Commons. He was not himself particular in using the forms of the House for an object; but he should not think of straining them to the extent that had been attempted that day. When, moreover, it was found that hon. Members were all but using violent means to prevent other hon. Members from entering the House, he could not help saying that such proceedings were a disgrace to the House of Commons. It appeared on evidence which could not be disputed that there were in England 69 monasteries, which were institutions contrary to the law, and 239 religious establishments altogether. Was it not clearly against public policy that these should be filled with persons in regard to whom no one knew who they were or whence they came? If a Protestant parent had a daughter who had escaped with the intention of entering one of these convents, would they tell him whether she was there or not? He ventured to say they would not. In Prussia the police were aware of the names, &c., of all those who entered these institutions. The same rule prevailed in France, so that if you wanted to know where any person was to be found the police could give the requisite information. He complained that the Prime Minister had limited the power of the Committee by the Resolution which he had carried, subsequent to that one which the House had passed at the instigation of his hon. Friend (Mr. Newdegate). He thought hon. Members before the next Election would have to say "Aye" or "No," whether they were in favour of some inspection or registration of these institutions, because it was contrary to the

liberty of the country that they should exist as at present. It was said by Roman Catholic Members that the Bill was contrary to the liberties of the people; but had the Roman Catholic Church ever been the parent of liberty? All history contradicted such an assertion. Was it not well known that hon. Members were returned to that House for Irish constituencies by the influence of their priests? They could not therefore be considered independent men. ["Name, name!"] All of them.

MR. SPEAKER said, it was not Parliamentary language to speak of any body of men in that House as otherwise than a body of independent Members.

MR. GREENE said, that he withdrew the observation, but he had felt impelled to make it by a sense of duty.

MR. CALLAN appealed to the Chair whether that was a withdrawal.

MR. SPEAKER: I understood the hon. Member to withdraw the observation. ["Withdraw!"]

MR. GREENE: I have obeyed the Speaker, and I shall obey no one else. I have no concern with hon. Members opposite.

MR. MUNSTER appealed to the Speaker to say, whether the hon. Member, after what he had said, had withdrawn the charge.

MR. SPEAKER: I certainly understood the hon. Member to withdraw the observation.

MR. GREENE, resuming, said, that he was, in the fullest sense of the word, a Protestant—a good old word that had been too long forgotten, and he was just as much opposed to the semi-Papal portion of our own Church as to the Roman Catholics. He would, indeed, rather belong to the Roman Catholic faith than have his soul taken care of by the clergy of a half-and-half faith. If it was the desire of the country that these establishments should exist, they would remain, but that had to be seen. There was no desire on the part of the supporters of the measure to offer any insult to Roman Catholics; but they deemed it to be against public policy, that there should be confined in certain houses in this country, communities of men and women without any knowledge respecting who they were or whence they came.

MR. SERJEANT SHERLOCK said, that when the hon. Member for North Warwickshire (Mr. Newdegate) produced Petitions, either from the inmates of convents or monasteries, or from their relatives, complaining of specific grievances, he would be entitled to ask for such a Bill, but not before. If the Bill had been sanctioned by any appreciable part of the Roman Catholic laity, the hon. Member would be supported not only by Petitions from them, but by facts, which were entirely wanting in the present case. During the inquiry before the Committee the hon. Member asked not less than 1,222 questions, and if he failed under such circumstances to elicit the truth, what amount of inquiry on the part of a Royal Commission was likely to bring it out. Various witnesses had also been examined before the Committee, but with respect to many of those on whose evidence the hon. Gentleman had principally relied, the Committee found that they had not been able to substantiate any grievance. There were several Anglican institutions of the same kind, but the evidence showed, that as to restrictions in nunneries they were not greater or more severe than in Anglican institutions, yet no complaint was made against those Anglican institutions. The hon. Member said he did not desire to insult or annoy any of the ladies in these institutions, but his allegations as to the dungeons at Princethorpe and other matters imputed positive crimes to those concerned. Was not that an insult? All the alleged grievances brought before the Committee of 1865 had vanished during the later inquiry. [Mr. NEWDEGATE said, the Committee had been precluded by its instructions from inquiry into such cases.] The allusion to Palmer, the poisoner of Rugeley, must be understood as an insult, as well as the suggestion that such crimes as secret poisoning were committed in these establishments, and other things which the hon. Member for North Warwickshire said they did not like down in the Midland counties. With respect to the number of these institutions reference had been made to a speech by Cardinal Wiseman, in which he stated there were a large number of these monastic institutions, and that they were increasing. He had no doubt that the Cardinal did make such a speech; but *The Roman Catholic Directory* contained the exact

number of these institutions. The fact, however, was there was good reason for believing that the number of really monastic institutions was much less than the number stated in *The Roman Catholic Directory*, for reasons explained by Mr. Cuddon, although the statements made in *The Directory* were said to be *permissu Superiorum*, to elucidate the meaning of which phrase 120 questions were asked. That explanation was, that in many cases these so called monastic institutions were occupied by only one or two priests, who performed purely parochial duties. They were not monastic institutions, but purely parochial churches, ministered to by one, two, or three of the regular clergy, in proportion to the number of the population. It was right, he thought, also to allay the apprehensions generally excited by the hon. Member for North Warwickshire as to the enormous wealth of these institutions. He had a Return before him, in which a large number of these monastic establishments were rated at only from £6 to £10 and £16 a-year. As to the increase of the establishments, it was shown that the increase since 1870 had only been at the rate of 2½ per cent, and surely, taking the increase of population in London and all the large towns, that was no more than was absolutely requisite for religious instruction and consolation. He (Mr. Serjeant Sherlock) contended that even if the hon. Member had some grounds for asking for an inquiry in the first instance, he had none whatever at the present time, because he had no new facts to bring forward. If the number of monastic institutions were to be greatly increased, there might then be some reason for complaint; but at present, at any rate, there was no fear of anything of the kind taking place, and he thought therefore the House should hesitate before they passed a Bill the result of which would be insult and annoyance, however much the hon. Member might object to the expressions. He therefore hoped the House would come to the conclusion that the matter had been fully investigated by a Committee of that House, and that no grounds whatever had been shown for the passing of the Bill now before them.

MR. HOLT said, that he should not attempt at that hour to answer the objections which had been urged against the Bill. He desired, however, to notice the remarks made by the hon. and

learned Member for King's County (Mr. Serjeant Sherlock); and to remind the hon. and learned Member that his hon. Friend the Member for North Warwickshire (Mr. Newdegate) had at the time distinctly stated in the House the reasons why he could no longer serve on the Committee of 1870. His hon. Friend was not satisfied with the decision of the Committee in the matter of taking evidence. He (Mr. Holt) desired also to set the House right on another point. He believed he was correct in saying that the Journals of the House would show that the hon. and learned Member for Marylebone (Sir Thomas Chambers) was discharged from serving on the Conventual Committee in 1871. He (Mr. Holt) wished to recall the attention of the House to the question under consideration. It was a proposal for an inquiry "by Commissioners respecting the increase and character of Monastic and Conventual Institutions in Great Britain." He regarded the proposed inquiry as a necessary consequence of the partial inquiry of 1870. He based his arguments in favour of the Bill upon, first, the fact of the recent increase of Conventual and Monastic Institutions in the country, a fact admitted in the debate. Next, upon the opinion recorded in the evidence, taken before the Committee of 1870, that those institutions were illegal. He did not refer to Orders of men only; but it was the opinion of eminent Roman Catholic lawyers that nunneries were as illegal as monasteries. Thirdly, it had been admitted both by the right hon. Gentleman the Secretary of State for the Home Department and by a Roman Catholic Member on the opposite benches (Mr. Synan) that amendment of the law was desirable. The right hon. Gentleman the Secretary of State said—

"there could be no doubt that the present state of the law justified the introduction of a measure on the subject."—[3 *Hansard*, ccx. 1712, 1713.]

The position of affairs then was this—There existed numerous Monastic and Conventual Institutions in this country. The fact could not be disputed that they were on the increase, and it was asserted that they were all alike illegal. What he desired was, that they should be either rendered legal, or otherwise dealt with. He (Mr. Holt) urged that the criticisms passed on the Bill were unfair. The hon. Member for South Dur-

ham (Mr. Pease) in criticizing the duties to be entrusted to the Commissioners had entirely kept out of sight the important provisions of the 2nd section. He had alluded only to that part of the section which related to the inquiries by the Commissioners into the numbers of these institutions; but had omitted to notice the important words of the section. The Commissioners were also to inquire into "the respective situations and character of Monastic and Conventual Institutions," and though he spoke of their property and income as having been already the subject of inquiry, he omitted to read the sub-section to the end—

"Whether the mode of acquisition and the holding thereof, or the purposes for which the same is held are in contravention of the principle of the law."

Those were subjects excluded from the inquiry of the Committee of 1870, but he contended that an inquiry into these subjects was a necessary preliminary step to any legislation. That inquiry was the object of the Bill. He and his Friends asked for inquiry. They knew these communities existed; they were not satisfied that they should continue to exist beyond the control of the law. They desired to know that their inmates were not detained by bolts and bars, but only by moral suasion; that as they were free to enter so they were free to leave, and were neither forced to depart, nor forced to remain at the will of the Superior. He hoped the House would see fit to read the Bill a second time, and by so doing admit the principle that further inquiry was desirable.

Mr. MUNSTER said, the Bill was drawn up in the most disingenuous manner, and refused to believe that the House would assent to such an inquisitorial measure. Why, the hon. Member who introduced the Bill called upon the House to inquire who and what were the inmates of convents! In his opinion, they might as well ask who and what were the ladies within the hon. Member's own house.

Mr. MITCHELL HENRY said, he hoped that the apprehensions of the hon. Member for Bury St. Edmund's (Mr. Greene) would be found to be without foundation, and that instead of the Bill being talked out a division would be taken. In his (Mr. M. Henry's) opinion the Roman Catholic Members of the House had been put upon their trial on



these subjects often enough, and it was time the House came to a positive decision. The annual Motions of the hon. Member for North Warwickshire (Mr. Newdegate) were becoming an intolerable nuisance; for they not only wasted public time, but they were calculated to excite and perpetuate deplorable passions and vehement likes and dislikes. If it was not for the proverbial good humour of the House of Commons it was impossible that these perpetual attacks upon the cherished convictions of large classes of their fellow-countrymen could have continued so long without giving rise to scenes and recriminations that were better avoided. Three years ago, the hon. Gentleman obtained his Committee of Inquiry, and from the admirable speech of the hon. Member for South Durham (Mr. Pease), they learned how full and complete that inquiry had been, and how entirely all the charges of the hon. Member had broken down. Still, he and the hon. Member for Peterborough (Mr. Whalley) continued to indulge themselves in these ungenerous attacks, and supported them not by arguments, but by offensive insinuations and vague charges which vanished the moment the light of investigation was turned upon them. It was far better, therefore, that the division should be taken, and that every man should have the opportunity of showing his hand; and, for his part, he rejoiced that a General Election was approaching, and that the friends and foes of liberty should be clearly separated from each other. With that view, he would just remind English Members that as there was not a single Roman Catholic returned for an English or Scotch constituency, the duty was especially cast upon them of defending the large class of their fellow-countrymen whose faith was the subject of these attacks. In saying that he was quite aware that one hon. Member had abandoned the Protestant faith since his election, and it was well understood that on that account he would never be returned again. The House, therefore, had no opportunities of learning the views of the English Roman Catholics, except from the representations of the Irish Members; but they could entertain no doubt but that these attacks were as offensive to them, as they assuredly were to the people of Ireland who constituted

the bulk of our Roman Catholic fellow-subjects.

Mr. J. MARTIN said, he wished to explain, that having pledged himself not to vote upon any question in that House, he did not intend to vote for or against the Bill, but desired to convey to his Roman Catholic constituents and friends his sentiments of indignation against the measure. He was sure the hon. Member for North Warwickshire (Mr. Newdegate) did not intend to do injustice or injury to anyone. The hon. Member was moved simply by pure bigotry. The Roman Catholics of Ireland or England, however, did not ask for the protection sought to be afforded them, and it was therefore an insult to force it on them, and one in which he for one would not join.

Mr. NEWDEGATE, in reply, said, I will detain the House for only a few minutes. I beg to assure hon. Members from Ireland that the intention of the Bill is neither to establish any exclusive privilege to one particular sect, nor to injure Roman Catholics; but it evinces a determination that an Irish domination shall not be established in England or in Scotland. The Bill applies in no way to Ireland. I will only refer to one other point. Comment has been made upon one clause of the Bill, which would direct the Commissioners to inquire, whether provision should not be made for assisting the emigration of women. That clause is not essential to the Bill, but was introduced for this reason—that in the case of the convent at Colwich, when the lady who had escaped from it had been traced by the direction of Mr. Justice Wightman to the convent at Wimborne, she was asked whether she desired to leave conventual life. She answered that she did not, and she gave this reason—"What could I do, if I left? All my friends are Roman Catholics, and they would turn their backs upon me. And what do I know of life?" This is deposed to in the evidence. There might be other cases like that of Miss Selby, and I think the House would do well to inquire what provision can be made for such unhappy persons as may be discovered to be desirous of leaving a conventual life; but that clause is not essential to the Bill. The Bill which I ask the House to read a second time is not intended to be permanent in its operation or inquisitorial. It is intended

to supply a deficiency of information, which the Committee of 1870-71 admitted in their Report; for the last paragraph of that Report states that the investigations which that Committee were able to conduct within their Instructions were not sufficient to enable them to recommend any alteration of the law. That is the concluding paragraph of the Report, and with that Report in my hand—and as no other hon. Member has undertaken the task—at the instance of hundreds of thousands of persons, I ventured to ask the House to authorize and institute some such inquiry as the Bill proposes; but in such terms, as the House shall in Committee decide. The primary object of the Bill is to prepare the way for terminating the privilege of exemption from State control, and from the operation of the law which these Roman Catholic institutions possess, an exemption which is permitted to the institutions of no other denomination. With these observations, I venture to recommend the Bill to the approval of the House.

Question put.

The House divided:—Ayes 96; Noes 131: Majority 35.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

Thursday, 3rd July, 1873.

MINUTES.]—PUBLIC BILLS—*First Reading*—National Debt Commissioners (Annuities)\* (191); Prison Officers Superannuation (Ireland)\* (192); Public Works Loan Commissioners (School and Sanitary Loans)\* (193).  
*Second Reading*—Conveyancing (Scotland) (141).  
*Report of Select Committee*—Tithe Commutation Acts Amendment\* (171-190).  
*Committee*—Shrewsbury and Harrow Schools Property\* (140).  
*Report*—Thames Embankment (Land)\* (179).  
*Third Reading*—Canonries\* (169); Crown Private Estates\* (175), and passed.

## CONVEYANCING (SCOTLAND) BILL.

(The Lord Chancellor.)

(NO. 141.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, he took it for granted that for those of their Lordships who had land in Scotland, it was not necessary for him to go into minute particulars respecting the existing law of land rights and conveyancing in Scotland. He felt bound, however, to make some observations in respect to those peculiarities for the information of those of their Lordships who might have had no opportunity of becoming practically acquainted with the subject. The clauses most likely to excite difference of opinion affected the relations between superiors and vassals with respect to feus. A large extent of property in Scotland was held under this tenure, and the Bill proposed to abolish expensive and unnecessary forms now attending every change of feuar, whether by death or sale—namely, renewal of investiture and charters and writs by progress. It also reduced the period within which the rights of any person to succession as heir might be challenged from 40 to 20 years; it provided for the commutation of existing casualties; and it prohibited the creation in future of casualties in feus. The Bill likewise abolished the distinction between fees of heritage and fees of conquest, and provided simpler forms of conveyance, as to the clauses providing which he thought there might be also possibly some difference of opinion. Whatever objections might, however, be raised to the details of the measure, he did not know that there could be any question as to the objects of the Bill. He did not suppose any of their Lordships who had had a practical acquaintance with the subject would deny that there was a great need in Scotland for facilitating the transfer of land and for making changes in the law relating to land rights and conveyancing. This was the main object of the Bill. The measure was based upon the recommendations of the Royal Commission which sat upon the subject some years ago, so that the proposed changes in the law

had been before the country for several years. It had been said that some of the proposals in the Bill if passed into law would not work well, and that some difficulties would arise. Under the present law, there were many similar difficulties, and he was convinced that these difficulties would be diminished, and not increased by the changes which the Bill proposed. The Bill had been a long time under consideration, and it had been very carefully prepared; and if there were faults in the measure they could be easily remedied in Committee. On the whole, he thought he could safely recommend the Bill to the favourable consideration of their Lordships.

*Moved, "That the Bill be now read 2<sup>a</sup>."*  
*—(The Lord Chancellor.)*

LORD COLONSAY said, he fully agreed in the propriety of making certain changes in the existing law. He approved generally of what his noble and learned Friend on the Woolsack stated to be the two leading objects of this measure—namely, to dispense with what were called charters by progress, and to enable persons holding property by feu tenure to redeem what were called the casualties of superiority. So far, the measure would be in accordance with the Report of the Royal Commission in 1838, and would, he believed, meet with general approval in Scotland. He expressed general approval also of certain other provisions in the Bill. But as to the clauses by which it was proposed to carry out these objects, considerable amendment might be necessary. The Bill, however, went far beyond the objects to which he had referred. It contained provisions calculated to subvert the relations of superior and vassal—to unsettle the whole system of land tenure in Scotland, and to introduce confusion and uncertainty as to titles. The existing system was well understood—conveyancers were familiar with it; but if the whole system of land tenure in the country was to be suddenly uprooted, confusion would be inevitable. The Royal Commission referred to, comprehended men of great eminence and qualifications for the task, and they reported very decidedly against what was now proposed to be done, and pointed out some

of the serious evils to which it would lead. The bodies in Scotland whose members were most conversant with the subject, and best qualified to judge, were decidedly opposed to it. He had presented Petitions from several of these bodies and from other bodies and parties, some of whom were largely interested, praying that no such interference with the tenure of land should be sanctioned, or, at least, not without full inquiry by a Royal Commission. Several deputations from various parts of Scotland had waited on him, urging the same views. One of the results of this interference with tenure would be the substitution of leases for feus. That was pointed out by the Royal Commission, and was confirmed by the recently expressed opinions of those most conversant with feuing transactions; and it was well known that those who desired to acquire small portions of land for building purposes in Scotland, greatly preferred feus, which gave a perpetual right of property, to leases which gave only a temporary right. Feu duties were themselves valuable property, and a convenient and favourite investment, especially for educational or religious endowments. One of the Petitions he had presented was from an endowment society holding feu duties to the extent of nearly £20,000 per annum. He had also presented Petitions from banks, insurance companies, and other holders of feu duties, as investments or securities. Some of these Petitions stated, and he had been informed from other sources, that since the scheme of this Bill had been ventilated, that valuable class of property had fallen greatly in the market. He hoped the Government would not, without inquiry, persevere in a course of legislation so unnecessary and unpalatable, already condemned by a Royal Commission, and also by those best qualified to form an opinion on the subject, and not asked for or desired by any class of the community. The Royal Commission had recommended various improvements on conveyancing to be introduced gradually. He had when Lord Advocate introduced measures for effecting some of these improvements. His successors in office had followed the same course. Nothing now remained necessary to be done but to carry into effect the other two recommendations of

the Commissioners already mentioned. If this Bill were confined to these objects and some of the minor points of which he had expressed approval, it would be a beneficial measure and would give general satisfaction in Scotland, instead of being as it now presented itself most obnoxious. Another part of the Bill to which he strongly objected, was that which had for its object to do away with the system of service of heirs. It might effect some saving of expense on succession, but in cases of transfer and mortgage it would necessitate an investigation of title at every transaction, which would on the whole cause greater expense. It would introduce uncertainty and insecurity as to title, and diminish the value of property.

THE DUKE OF ARGYLL said, that notwithstanding the extreme technicality of the measure to unlearned persons, he hoped their Lordships would allow him, a layman interested in property in Scotland, to say a few words in favour of the Bill. He believed there was not a layman in that House who could not, with a lawyer at his elbow, master the provisions of the Bill in an hour. He entirely concurred with his noble and learned Friend (Lord Colonsay) as to the mischief and danger of damaging in any respect the feudal tenure in Scotland, which was one of the most popular tenures in the country. It was a valuable security and a valuable investment, and cautious men like Scotchmen rather rebelled against the shorter tenures which were common in England. Many of their Lordships had no doubt heard the story of the Scotchman who was offered a 999 years' lease, and made an urgent appeal that it might be extended to 1,000, and on being laughed at, shook his head and said—"Time soon slips awa'." No doubt, there was a reluctance on the part of Scotchmen to build houses or invest money on anything short of a perpetual tenure, and therefore it was by no means only in the interest of superiors that the House ought to guard this tenure. Most of their Lordships were in the position of superiors; many were in the position of feudals; and if it were really true that a Bill of that kind would materially injure the rights of superiors, it would undoubtedly act upon the value of land in Scotland, because it would be unpopular

with proprietors to give that particular form of tenure. He entirely agreed that they ought to preserve, as far as they could consistently with the object which they all had in view—namely, to simplify tenures and cheapen processes—all the essential securities of the feu tenure. The objections which his noble and learned Friend had brought against the Bill seemed all to be objections that could be dealt with in Committee; but even on the second reading, it might be well to point out the weakness of his objection to the 3rd clause. That clause purported to give a new and short definition of feu tenure, and he (the Duke of Argyll) admitted at once that any attempt to give abstract definitions of property must always involve some risk; but after reading the clause over and over again in the interest of superiors, and knowing that that was one of the points chiefly objected to by the legal profession in Scotland, it appeared to him to take in every service and every duty, for it said—

"From and after the passing of this Act an estate of superiority shall consist of the right to the feu-duties, services, and casualties, which are by law or covenant incident to a feu."

The objection of the noble and learned Lord was that it did not include all duties; but if it did not, words could easily be inserted in Committee to remedy the defect, and if the noble and learned Lord chose to propose an addition to the clause, the Government would have no objection. He knew of cases of persons who held estates under his family, where the superiors were entitled to many rights which had become absolutely obsolete—as, for instance, a number of gentlemen were bound by the feu to keep six-oared boats to enable the Earl of Argyll to cross certain ferries. Again, one of the rights of superiors which would be interfered with by the Bill was that of defending the feu against the invasion of third persons. Was that a valuable right to preserve? He was involved once in litigation of that kind, and so far from being regarded by him as a privilege to be coveted, he looked upon it as a *damnosa hereditas*. Again, it was the right of the superior to make roads, fences, drains, and so on for the feu, but he had never heard of such a right being

claimed. If the superior reserved to himself to do those things, of course he would have to do them; but under ordinary conditions, the superior had no more right to enter upon his vassal's land than to enter upon that of any other proprietor, and he had never heard an instance of a superior attempting to enforce a right to construct roads, drains, or fences, even where it would be greatly to his interest to do so. Those were matters mentioned by the noble and learned Lord as rights which would not be covered by the Bill; but if they were valuable rights, he maintained that they would be covered by the words of the 3rd clause. He could not say that he, as a superior, was in the least alarmed by any instances which his noble and learned Friend had given, where the rights of superiors would be liable to be invaded if the Bill passed. There were other portions of the Bill to which the noble and learned Lord had referred that were obviously mere questions of detail, and of those, the question of the recovery of duties and services was one. He could only say that he had looked very closely at the Bill, and having heard what the noble and learned Lord had to say, he was wholly unable to see the dangers which had been pointed out by his noble and learned Friend as involved in any one of the clauses to which he had drawn attention. It appeared to him that if the Bill were allowed to go into Committee, whatever objections were entertained to particular parts of the Bill by the noble and learned Lord might be there dealt with, and if it were thought necessary, a remedy might be applied. He trusted therefore that the House would not object to the second reading of the Bill—especially as there was so much in it which the noble and learned Lord had admitted to be valuable, and if any alterations were really required the House could make them in Committee.

LORD CAIRNS said, the noble Duke (the Duke of Argyll) had not answered any of the objections which had been pointed out by his noble and learned Friend behind him (Lord Colonsay), and he would suggest that the clauses which were objected to should, in Committee, be omitted from the Bill.

THE LORD CHANCELLOR admitted that his noble and learned Friend (Lord Colonsay) was entitled to speak with

great authority on that subject, and whatever fell from him on such a question would have due weight with their Lordships' House. He thought, however, that the noble and learned Lord had misapprehended the object of the Bill in regard to certain points on which he had offered objections. Nothing could be more foreign to the intention of the Bill than to discourage fees, or the system of holdings that was now in existence. On the contrary, he was of opinion that it would tend much to their encouragement. With regard to the 3rd clause, he thought it was amply guarded by the Proviso, that a lawful reservation of any right, other than feu duties, services, and casualties, contained in a grant or conveyance of land shall import an estate of property to the extent of the right reserved. If, with respect to that portion of the Proviso in which the words "an estate of property" occurred, it should be thought by their Lordships that those words were not happily conceived, nothing could be more easy than to modify them in Committee. In Clauses 5, 23, and 24, most ample provision was made in respect of all feu duties created after the passing of the Bill, for placing on record every species of covenant or condition which in any respect qualified the feu. The noble and learned Lord had referred to the section which enabled a superior to merge his estate of superiority in the estate of property, by a process like that which in England was called enfranchisement; but it struck him (the Lord Chancellor) that the objection was one that applied to the substance more than to the form of the clause. The question seemed to be in reality whether it was best when the superior acquired a title to the property of the land, and so united his interest with that of the vassal, the title of superiority should remain, or whether it should be merged in the property and extinguished. As regarded the 15th clause, it was only carrying out the great object of the Bill, which was to afford greater facilities than at present to the vassal, and to relieve him from inconvenient burdens. If the right to enter was given to the superior, he had not only the same right as every landlord had in the case of his tenant, but the same right which existed in England when land was sold, reserving a perpetual rent. This was a very com-

mon form of contract at the present time especially in Lancashire. With respect to the objection taken by his noble and learned Friend to the 27th clause of the Bill, it was that it gave the powers mentioned therein to an individual Judge, and not to the Court of Session. Of course, if it were thought better that the powers should not be given to any particular Judge, the alteration was one that might easily be made, but the powers themselves were closely analogous to those which were given in England by the Leases and Sales of Settled Estates Act; where, however, they were always exercised by a single Judge. He was much gratified when he heard the noble and learned Lord speak of the great importance of the Bill, and he had no doubt it would be found when the Bill got into Committee, that those portions of the measure that were objected to bore but a small proportion to the other parts which would be regarded by their Lordships as highly valuable. Whatever objections there were to the Bill could be readily considered and dealt with in Committee, and he trusted therefore that their Lordships would consent to read the Bill a second time.

*Motion agreed to.*

Bill read 2<sup>d</sup> accordingly; and committed to a Committee of the Whole House on Tuesday the 15th instant.

#### SOUTH SEA ISLANDERS. QUESTION.

THE EARL OF BELMORE said, that he rose to put a Question in the terms of the Notice that he had given, to the noble Earl the Secretary of State for the Colonies, with reference to the South Sea Island Papers lately distributed. As to whether any further communications of importance have been received by Her Majesty's Government upon the subject, particularly as relates to the disposal of the prisoners convicted at Sydney of murder on board the brig *Carl*; and, if so, whether he has any objection to lay the Papers on the Table of the House? With regard to the latter part of the Question, he thought their Lordships would consider that he was right in asking for the Papers, subject to their being no objection to producing them. Pro-

bably some of them might consist of Minutes of the Executive Council of New South Wales, and sometimes it was objectionable that such Papers, when relating to capital cases, should be laid before Parliament, because their publication might tend to produce embarrassment in the colony. With regard to the Papers lately distributed, he wished to make a few remarks. The first part of them repeated some of the information which he had sent home before he left New South Wales, and to which he drew attention last Session. In another part was contained the reports of naval officers who were ordered to inquire into the statements made after the murder of Bishop Patterson. It appeared that in accordance with a suggestion which he (the Earl of Belmore) made to Commodore Stirling, that officer had written to the Admiral in China, who had sent a ship of war down to the islands near the line. This ship—the *Barrosa*—was met by the *Blanche*, which had been sent up from Sydney, and there were interesting Reports from the officers commanding them—Captains Moore and Simpson—upon the labour trade and skull-hunting. With regard to Captain Hayes, the notorious pirate, whose name had been before mentioned in connection with this matter, it appeared that the *Barrosa* had only missed capturing him by a single day, having left Mulgrave Island one day whilst he arrived there the next. He had been in the custody of the captain of an American man-of-war—the *Ner-raganset*—but was released. In one part of the Papers, the reason given was, that the British Consul at Samoa had failed to bring charges against him which would hold water, although in another place that gentleman expressed great surprise at his having been released. With regard to skull-hunting, although it was admitted that it prevailed amongst the natives of the Solomon Islands, yet there seemed reason to think that no white man had taken part in it. Captain Moresby, of H.M.S. *Basilisk*, it was true, heard from a native pupil of the Melanesian Mission at Norfolk Island, the same story which the Rev. Mr. Brooke told the year before last, at the time of Bishop Patterson's murder; but, on the other hand, Captain Simpson could find no trace of white men having been engaged in it. The reasons he gave for his belief were,

shortly, that it would not pay. Mr. Brooke had surmised that the captains of British ships had taken war parties in their vessels to procure the heads of their enemies, in return for being allowed to trade—tortoiseshell being the article of trade. But he (Captain Simpson) found that tortoiseshell could only be collected in small quantities at any one place—a few pieces at a time, as was shown by the case of a fine of two tons of tortoiseshell, which had been inflicted by Captain Montgomerie, of H.M.S. *Blanche*, on the inhabitants of an island who had murdered the crew of the *Marion Renny*, but which fine had never been collected, and which Captain Simpson altered to a punishment of a different sort. He (the Earl of Belmore) should not hesitate to accept this view, but for the reason that in the case of the *Carl* a naval officer had boarded her a few days after the massacre on board that ship had taken place, and could find nothing to excite suspicion, and had passed her as having all correct; and if one naval officer had been deceived in one case, so might a second be also in another. As regarded kidnapping, Captain Moresby, of H.M.S. *Basilisk*, thought that amongst the islands where his cruise had extended, it had entirely ceased, as far as procuring men by force went. He thought that men were still procured by fraud, but that the evil was gradually curing itself. Captain Simpson had found that it had ceased amongst the Caroline, Marshall, and Solomon groups, but that it still continued amongst the Gilbert group. On the whole, he (the Earl of Belmore) hoped that though it had not been entirely put down, yet that it had been checked. A right rev. Prelate (the Bishop of Lichfield) had mentioned to him that he had heard from his friends of the Melanesian Mission, that they had met but one labour ship during their last cruise for every ten the preceding year. There was one subject as to which he should like information to be given. As he had before stated, Captain Montgomerie, of H.M.S. *Blanche*, had inflicted a fine of a large quantity of tortoiseshell on the inhabitants of an island, as retribution for the murder of the crew of the *Marion Renny*. Captain Simpson, on arriving at the island three years afterwards, found that the fine had not been collected; and, instead of

*The Earl of Belmore*

it, he exacted from two of the chiefs a promise that they would execute a third chief, who was responsible for the murder of the crew. This, it appeared, had since been done. Commodore Stirling said that this was the only part of Captain Simpson's conduct of which he had not approved; and he (the Earl of Belmore) wished to know what opinion Her Majesty's Government had expressed on the subject. Without committing himself to an opinion, he was inclined to think that it was better to exact retribution from the man who was, there seemed little doubt, morally responsible for the murder of 22 white people rather than adopt the old plan of retribution by shelling a defenceless village. As regarded the case of the *Carl*, it appeared by the Papers that two men had been found guilty at Sydney of murder, on board that ship, and had been sentenced to death. This sentence had, it was known, been commuted; but the Correspondence contained in the Papers stopped short of giving any information on that point, and he should be glad if the Papers he had given Notice to move for could include the despatch giving the reasons for such commutation, and the reply of the noble Earl. Two other men, named Mount and Morris, had been found guilty of manslaughter at Melbourne, but the Papers likewise stopped short of giving any information as to the sentences passed upon them. There was only one other matter to which he need allude, and that was the position of the British Consul towards the Fijian Government. It might be premature to express an opinion at present, and he understood that the new Consul and the new Commodore had orders to inquire and report on the state of affairs. The noble Earl had stated on a former occasion that the ultimate recognition of the Government, at present recognized as a *de facto* one, would a good deal depend upon how it behaved with respect to the suppression of kidnapping. From what appeared in the Papers, he did not anticipate very much from its action, for if all that was stated in the despatches of the late Consul was true, it would appear that one at least of the Members of that Government was implicated in some of the irregularities of the labour traffic. He begged to put the Question of which he had given Notice.

THE EARL OF KIMBERLEY said, he hoped the noble Earl would excuse him, if he abstained from following him into certain matters he had touched upon, and which were not included in his Notice. With regard to the proceedings in connection with the ship *Carl*, and the persons belonging to her who had been convicted of murder, it was quite true the Papers presented did not bring the intelligence down to that point at which they would give information of the sentences that had been passed upon the persons convicted. But at the same time, the only information in his possession on the subject of the commutation of the sentences passed on the persons found guilty of the atrocious proceedings referred to was contained in a despatch from Sir Hercules Robinson, the Governor of New South Wales, dated the 30th of December, 1872, in which he said—

“The capital sentences passed upon Dowden and Armstrong, the two men convicted of murdering a large number of Polynesians on board the brig *Carl*, have been commuted to penal servitude for life—the first three years in irons. It was the opinion of the Executive Council—in which I concurred—that it would have been improper to have executed these men, seeing that they were in the service and acting under the orders of Dr. Murray, the owner of the brig; and that he, the instigator and most active perpetrator of the murders, had escaped all punishment by being accepted as Queen's evidence against his own *employés*.”

With respect to the prisoners Mount and Morris, who were convicted of manslaughter before the Supreme Court of Victoria, and sentenced to penal servitude for 15 years, some technical question had arisen which had been referred to the Law Officers in the Colony; and he would not object to lay Papers on that subject upon the Table when he received further information. He could assure his noble Friend that with regard to the labour traffic, measures had been taken to send back to their homes those islanders who had been induced to enter into engagements under false pretences, and he had reason to believe that the officers intrusted with that duty were doing their utmost to carry it out to a successful issue. At present the Papers were in a very incomplete state, and it was undesirable to add to them; but as soon as they were complete further Papers would be presented.

THE EARL OF BELMORE, in reply, said, that after what had fallen from

the noble Earl, it would not be proper for him to press his Motion. Very likely an opportunity would occur next Session of renewing the discussion on this subject. As regarded Dr. Murray, who had been admitted as approver, the more that came out about him the worse he appeared to be. When he first told his story to the late Consul at Levuka (Mr. March), he of course made the best story for himself, and even at the trial at Sydney the whole truth did not come out about him. But at the trial of Mount and Morris at Melbourne, it appeared that Dr. Murray had, not in a moment of conflict, but after everything was quiet, deliberately fired several shots from his revolver through holes bored with an augur in a bulk-head in the hold of the ship amongst the natives confined within. Anything more cold-blooded had probably never been heard of since the world existed.

#### THE MARRIAGE LAWS.—QUESTION.

LOAN CHELMSFORD, in rising to call attention to the Report of the Royal Commission on the Laws of Marriage presented to the House in the Session of 1868; and to ask the Lord Chancellor, Whether there is any probability of the introduction by Her Majesty's Government of any measure founded on that Report? said, their Lordships would recollect that some time ago a celebrated case occurred, known as the Yelverton case, which exhibited in a remarkable manner the difficulties which arose in ascertaining the legal status of an individual in consequence of the difference of the marriage laws existing in the United Kingdom. That case was tried in the Irish Courts and in the Scotch Courts, and ultimately it came to their Lordships' House for final decision. In the progress of the case, there was a great conflict of opinion upon questions involving the peculiarities of the Scotch marriage law, and also the statute law of mixed marriages in Ireland. The result of the controversy was, the expression of a very great desire that, if possible, an inquiry should be instituted with a view to ascertain whether the marriage laws of the different parts of the kingdom could not be brought into closer conformity. The Government of the day were pressed upon the subject in the House of Commons, and a Royal Commission was issued in 1865 for the pur-



pose to which he had referred. That Commission, of which he was appointed Chairman, consisted of men most of whom had attained to high judicial positions. England was represented by his noble and learned Friend on the Woolsack, Lord Cairns, Lord Lyveden, Lord Hatherley, Lord Penzance, Mr. Walpole, the Queen's Advocate, and himself; Ireland by Lord Mayo, the present Lord Chancellor of Ireland, and Mr. Monsell; and Scotland by the Lord Justice General, the Lord Advocate, and Mr. Dunlop. They began their labours by obtaining a summary of the marriage laws of the three different parts of the United Kingdom, and by the desire of the Commissioners he issued a Circular requesting, and which elicited, information on various heads, and which was addressed to all the Archbishops and Bishops in England, Ireland, and Scotland, Protestant and Roman Catholic; to the Moderators of the Scotch Church, Free Church, and United Presbyterian Church of Scotland; to the Roman Catholic clergy in Ireland; to persons connected with the Presbyterian Church in Ireland; to clergymen of the Established Church in England; to the President and Vice President of the Wesleyan Conference in England; to various persons, members of the Dissenting Bodies in England; to the Registrar General in England and to many of the Registrars throughout the country. In all no fewer than 97 persons gave evidence before the Commissioners, or valuable information in reply to the Circular. The inquiry extended over three years, but that arose from the fact of many of its members having judicial and other functions to perform, which made it difficult to appoint convenient times for our meetings. The present Lord Chancellor not only gave his assistance as a Member of that Commission, but undertook to prepare the Report of the Commission, and that able and carefully prepared document was entirely his work. The Report was signed by all the Commissioners, with one exception. The late Lord Mayo, who was then Chief Secretary for Ireland, had been unable, from the pressure of his official duties, to attend a sufficient number of the meetings of the Commission to justify him in signing the Report. The Lord Chancellor of Ireland and Mr. Monsell signed the Report, but dissented from the recom-

*Lord Chelmsford*

mendations affecting the Law of Divorce and the Jurisdiction of Divorce Courts, believing that the marriage tie was indissoluble, and that divorce *a vinculo* was contrary to the law of God. The Lord Justice General also signed the Report; but in a note he expressed his preference for the Scotch law of marriage. The Report of the Commissioners began by laying down the principles of a sound marriage law. It contained recommendations as to the capacity of persons to contract marriage; and as to the solemnities that should be required—as to the requirements preliminary to marriage, the requisite notice, residence, and declaration of the parties—with respect to the publication of bans it did not recommend their abolition, but that the publication of them should not be required as a condition of the lawfulness or regularity of a marriage. It recommended the abolition of canonical hours, and the solemnization of marriage in the presence of witnesses; it recommended the repeal of the law as to mixed marriages; it contained most important recommendations as to the notice of the intention to solemnize marriage, and as to the certificate of the minister or civil officer receiving the notice, and the Report suggested that this certificate would supersede the necessity for a licence, and recommended that the practice of granting common licences should cease. It contained most valuable recommendations for the registration of all marriages, and recommended the repeal of all existing statutes upon the subject of marriage, and the embodying the enactments necessary to give effect to the recommendations in a single statute. The Report was made five years ago, and it was matter of regret, if not of reproach, that nothing had been done since that period. Of course, a measure of so much importance could only be introduced under the authority of the Government, and he did not expect that at the present moment his noble and learned Friend on the Woolsack would be prepared to give any pledge on the subject. He trusted, however, that some assurance would be given that the matter would not pass altogether unnoticed, and that his noble and learned Friend, as the author of the Report, and more competent perhaps than any other person to address himself to the subject, would not allow the labours of the Commis-

sion to fall to the ground without bearing fruit, but that he would add to his high reputation by improving a law which affected the domestic relations of every family in the kingdom, from the highest to the lowest.

THE LORD CHANCELLOR said, it would not be possible for him to give a pledge as to the time or manner in which the Government would deal with this subject, if indeed during their tenure of office, it would be possible to deal with it at all. He was, however, grateful to his noble and learned Friend for calling their Lordships' attention to a question the importance of which was much greater than most of those which occupied the attention of Parliament, and which if not dealt with when it was attracting no public attention, would sooner or later require to be dealt with under less favourable circumstances. He was the more sensible of the importance of the subject, because every year more than one Act became necessary to set right some slip, mistake, or error arising from the state of the marriage law in one portion or other of the United Kingdom. In England and Ireland the faults of the marriage law lay in an opposite direction from those of the marriage law of Scotland, turning as they did on sectarian differences or formal observances. In Scotland, on the other hand, there was absolutely nothing to insure certainty as to the fact, or to preclude the most uncomfortable questions from subsequently occurring. What were called irregular marriages in Scotland, were however, rare exceptions; and the peculiarities of the Scotch marriage law, which rendered such marriages possible, could be easily got rid of without any hardship or inconvenience to the well-conducted portion of the community. The Commissioners recommended a system of registration which would tend to insure the facility and certainty of marriage, and, at the same time, to check imprudent and hasty marriages. Their endeavour was to reconcile, as far as might be, the great and fundamental doctrine that matrimony was a civil contract, with the general belief that it was a contract which ought to receive, as far as might be, a religious sanction. With that view the Commissioners proposed that every authorized minister of religion ordinarily officiating in any place of public worship throughout the kingdom

might solemnize marriages for civil purposes. At the same time, marriages might be solemnized by civil registry alone if the parties desired it. This scheme was by no means a complicated one. It would be of uniform application throughout the three kingdoms, and it would put an end to the cases of uncertainty with which Scotland had furnished us with frequent examples, while, at the same time, it would get rid of every remnant of the sectarian system by which the validity of marriage could be affected. These proposals dealt equally with all churches and denominations, and he trusted they would one day be embodied in a law. Without pledging the Government in any way, if it should be his good fortune at some future time to be instrumental in submitting such a law to the House, it would not be the least of the services which he desired to be able to render to the country.

#### INDIA—THE BANDA AND KIRWEE PRIZE MONEY.—QUESTION.

THE EARL OF DERBY said, the subjects referred to in the Question he had placed on the Paper were familiarly known to the noble Duke (the Secretary of State for India), and indeed to all persons who of late years had taken any part in connection with Indian affairs. The claims had remained unsettled for 14 or 15 years, and in the course of that time they had given rise to a great deal of correspondence and discussion. He had been asked by parties who were interested in the settlement of these claims to put to the noble Duke the Question which stood in his name on the Paper, and under the circumstances, considering the lateness of the hour, he would do so without any further remarks. He would ask the noble Duke, Whether the complete accounts of the Banda and Kirwee Booty can be presented to Parliament in this Session; and, whether Her Majesty will be advised under the Act 3rd & 4th Vict. chap. 65. sect. 22. to refer for judicial decision the claim of the troops, which in 1871 was confirmed by the Secretary of State for India, to interest on a million and a half of old rupees taken at Kirwee, or other claims for valuable booty which are supported by the legal opinions of Her Majesty's Attorney General and other very eminent counsel?

THE DUKE OF ARGYLL said, the final accounts of the Banda and Kirwee booty had not yet been received from India. They were extremely complicated, but as soon as they arrived from India they should be presented to Parliament. With regard to the second Question, he did not know whether his noble Friend was aware that the same Question was put to him last year by the noble Lord opposite, on which occasion he made an elaborate statement to the House of the whole circumstances of the case. He then stated that the claims were finally settled, and declined to refer the matter to a judicial tribunal. The only remaining question, even among the officers themselves, was whether interest ought to be allowed on a large quantity of bullion, old rupees, and jewels which were held by the Government for a certain period unrealized. He explained to the House the important principles which were involved in this question. The claim was made on the supposition that the Government were in the position of a prize agent, and were bound to make the best possible use of all the property which came into their possession. The whole of the money and the proceeds from the jewels had been given to the Army, with interest from the moment when the Government became the profitable owners of them, but for a part of the time during which they were in the hands of the Government they could not be turned to profitable use, and the Government could not admit the claim that they were bound to allow interest upon them during the period which they were not profitable. As to the jewels, they had been valued by native jewellers at a price which exceeded the sum realized by the sale, and some of the officers put forward a preposterous claim for the amount at which the jewels were valued. The Government had certainly not acted in a nigardly manner, for they had calculated the interest on the bullion from the time it was captured, and the interest on the jewels, &c., from the time they were actually sold. He repeated that the Government could not consent to bring the claims before a legal tribunal, as they deemed the question to be finally settled.

THE EARL OF HARROWBY regretted that no more satisfactory explanation could be given, and stated that much

dissatisfaction prevailed in consequence of the manner in which the whole transaction had been dealt with.

THE LORD CHANCELLOR said, the question referred to the decision of Dr. Lushington was as follows:—The Crown having granted particular booty to be distributed among the troops, what troops were entitled to take the benefit of that grant? The legal foundation for the judgment was the actual grant by the Crown of certain things to certain troops, and the decisions given in former cases enabled the Judge to solve that rather difficult question. It was quite a mistake, however, to suppose that there was any legal principle on which the Judge could be asked to try the question whether the Crown ought to pay interest on the booty, or whether the Crown should let the troops have property not taken in the actual operations of the field. These were matters for the Crown and the Government to exercise their discretion upon, and, in his opinion, they ought not to be referred to the decision of a judicial tribunal. To do so would be to call in a judicial tribunal to arbitrate on the question, whether the Crown ought to give something which it had not given in fact, and which it was under no obligation to give.

House adjourned at a quarter before  
Eight o'clock, till To-morrow,  
half past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, 3rd July, 1878.*

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Extradition Act (1870) Amendment \* [220].

*Second Reading*—Highland Schools (Scotland) \* [202]; Militia (Service, &c.) \* [216]; Public Records (Ireland) Act (1867) Amendment \* [217].

*Committee*—Supreme Court of Judicature [164]—*REPORT*; Turnpike Acts Continuance, &c. [199], debate adjourned.

*Committee*—*Report*—Consolidated Fund, &c. (Permanent Charges Redemption) \* [204]; Blackwater Bridge (Composition of Debt) \* [177]; Tramways Provisional Orders Confirmation (*re-corum*) \* [218].

*Third Reading*—Blackwater Bridge \* [213], and passed.

*Withdrawn*—Harbour Dues (Isle of Man) \* [179].

# POOR LAW—LABOURERS' UNIONS.

## QUESTION.

LORD EDMOND FITZMAURICE (for Mr. T. HUGHES) asked the President of the Local Government Board, Whether his attention has been drawn to the fact that in the Eastern Counties boards of guardians have refused medical relief to the wives and families of labourers on the ground that such labourers had become members of the Labourers' Union; and, whether such refusal is not contrary to the well understood principles of the Poor Law; and, if so, whether he will take steps, by minute or otherwise, to instruct boards of guardians as to the principles upon which such relief ought to be administered?

MR. STANSFELD, in reply, said, that it was not within the knowledge of the Local Government Board that relief had been refused to any persons on the ground of their being members of Labourers' Unions. Such a proceeding would be contrary to the principles of the Poor Law, which laid down destitution as the only test and ground for the receipt of relief. There were no doubt certain rules and regulations under which the guardians administered the law throughout the country; but they were so well understood that the Board saw no necessity for issuing any fresh instructions.

# LABOURERS' DWELLINGS (IRELAND).

## QUESTION.

MR. BRUEN asked the Chief Secretary for Ireland, Whether his attention has been directed to the Reports of the Irish Poor Law Inspectors on the subject of Labourers' Dwellings, in the Blue Book lately placed upon the Table of the House, in which one of the Inspectors, Dr. Roughan, states that he "has no practical knowledge of the working of the regulations under which loans are obtained for the building of labourers' dwellings," and that "he is not aware of any instance in which a proprietor in his district has availed himself of the privileges of the Labourers' Dwellings Act, 1860;" whereas it appears from the Report of the Commissioners of Public Works, 1870-71, that at least one loan has been issued and expended for that purpose in Dr. Roughan's district; and, whether

he will obtain from the Local Inspectors of the Commissioners of Works, who are in a position to possess practical knowledge of the improvement of labourers' dwellings, answers to those queries which have been submitted to the Poor Law Inspectors on this subject?

THE MARQUESS OF HARTINGTON, in reply, said, his attention had been called to the matter referred to. He believed the facts were such as were stated in the Question. He was informed by the Board of Works in Ireland that they were willing to take steps in connection with the matter.

# POST OFFICE PACKET VOTE—CLAIM OF MR. CHURCHWARD.—QUESTION.

MR. BOWRING asked Mr. Attorney General, with reference to his recent statement on the subject of Mr. Churchward and the Vote for the Post Office Packet Service, Whether it is in the power of a subject to keep alive for an indefinite number of years, without taking any action thereon, proceedings against the Crown in the Common Law Courts (unlike the practice which prevails in Courts of Equity), the Crown meanwhile remaining entirely helpless in the matter?

THE ATTORNEY GENERAL was understood to say, referring to the subject of Mr. Churchward and the Post Office Packet Vote, that it was doubtful whether the Crown was bound by the Common Law Procedure Act, and whether, therefore, proceedings against the Crown could be kept alive for an indefinite time in the Common Law Courts. The Judicature Bill would prevent an unreasonable delay in proceedings of this nature.

# ARMY RE-ORGANIZATION—DEPOT CENTRES—LINCOLN—GRANTHAM.

## QUESTIONS.

MR. WELBY asked the Secretary of State for War, Whether a site for the new dépôt centre at Lincoln has been purchased other than that hitherto used by the Militia, and offered for sale to the Government by the county authorities; and, whether ample space, together with the other most important requirements for a dépôt centre, might not have been obtained by the purchase of the county Militia buildings and adjoining land at Grantham; and also,

whether the Government will recommend that, by a Grant out of the Consolidated Fund or otherwise, some compensation shall be given to counties which, having been forced during the last few years into very heavy expenditure upon buildings for the protection of arms and other national property, will now have them thrown upon their hands, and incur serious loss in disposing of them for purposes for which they were not originally intended?

Mr. CARDWELL: Sir, the engagement into which Her Majesty's Government entered on this subject was this. We said that in any district where the county buildings were suitable for the purpose we would purchase them, if they could be obtained at a reasonable price; and that in districts where they were not suitable we should place them at the disposal of the county, to sell them for their own advantage, and build for ourselves the local centre necessary for the scheme. In the case of Lincolnshire, it is reported that the buildings are not suitable, and that the price asked is out of proportion to their value to the Department. Arrangements are in progress for the purchase of land at Lincoln. I have no intention of proposing any payment to the county out of the Consolidated Fund.

#### PRIVILEGE—PUBLIC PETITIONS COMMITTEE—INFORMAL PETITIONS.

##### QUESTION.

COLONEL NORTH asked the First Lord of the Treasury, Whether it is intended to take any notice of the Special Report made to the House by the Select Committee on Public Petitions, that in the case of the Petition 14,619, the heading was inserted by one W. H. Cornish of Stroud, after the signatures had been appended to the Petition?

Mr. GLADSTONE, in reply, said, it would be a serious matter for the consideration of the Government whether they should interfere on behalf of the House, provided the case appeared to those who had been officially intrusted with the duty of examining it to be one calling for such interference. But he did not learn that, in the opinion of these authorities, it would be wise to take any steps in the matter. Under these circumstances, he did not think the Government would interfere.

*Mr. Welby*

Mr. C. FORSTER, as Chairman of the Committee, said the junior Member for Stroud (Mr. Winterbotham) attended before the Committee and gave such explanations as were possible, in addition to which he had received a letter from a person implicated, expressing regret at what he had done while labouring under a misapprehension. The Committee had reported the matter to the House as an illustration of the way in which Petitions were sometimes got up; but, under the circumstances, he should not make any Motion on the subject.

#### THE ORDNANCE SURVEY—SUTHERLANDSHIRE.—QUESTION.

Mr. BROGDEN asked the First Commissioner of Works, If it is true that he has removed the men engaged upon the six-inch Ordnance Survey from South Wales to Sutherlandshire; and if so, and the removal is caused by an insufficient staff, if he will state to the House the reason why he does not ask for an increased Vote, in order to complete the survey as soon as possible?

Mr. AYRTON, in reply, said, that his hon. Friend was under a misapprehension. The men engaged in the survey had been employed in Wales during the winter months, and in the summer, when the weather in Sutherlandshire was favourable for the purpose, some of them were removed thither to complete work which had been left undone. When the weather in the North of Scotland ceased to be favourable to the conduct of the surveying operations, the men would go back to Wales to complete the survey of the mining districts.

#### COURT OF PROBATE—DISTRICT REGISTRY CLERKS.—QUESTIONS.

VISCOUNT MAHON asked Mr. Chancellor of the Exchequer, Whether he will be willing to consider the propriety of granting a scale of salary and superannuation allowances to the District Registry Clerks of Her Majesty's Court of Probate, on the same footing as enjoyed by the clerks of the principal Registry Office?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that by recent legislation district registry clerks of Her Majesty's Court of Probate were not Civil servants at all. They were em-

ployed by the Registrars in the conduct of their private practice. The business in the District Registry offices was very different from that in the Metropolitan Offices, the first-named officials being only empowered to grant probate where it was unopposed. He therefore could not hold out any hope that the positions of the two classes of clerks would be assimilated in the manner suggested by the noble Lord's Question.

VISCOUNT MAHON said, he wished to know what position the district registry clerks held if they were not Civil servants?

THE CHANCELLOR OF THE EXCHEQUER: They hold no position at all which can entitle them to the same terms as those enjoyed by Civil servants.

#### ARMY—HONORARY COLONELS OF CAVALRY REGIMENTS.—QUESTION.

SIR LAWRENCE PALK asked the Secretary of State for War, Whether the alterations in the pay of the honorary Colonels of Cavalry Regiments recently appointed under the Royal Warrant of 27th December 1870 is legal, no Royal Warrant having since been issued authorizing the change?

MR. CARDWELL: I need, Sir, scarcely say that, if I had any reason to suppose the course illegal, I should not have proposed to take it. I have always understood that when any reduction is contemplated it is the rule only to permit an appointment to be made on condition that it is accepted subject to the new arrangement, if it shall be carried into effect.

#### ELEMENTARY EDUCATION ACT—SCHOOL FEES OF PAUPER CHILDREN.

##### QUESTION.

SIR MICHAEL HICKS BEACH asked the President of the Local Government Board, Whether he can state in how many cases the school fees for children of out-door paupers were paid out of the poor rate by the guardians, under "Denison's Act," during the year ending Lady Day 1872; or by how many boards of guardians the provisions of that Act were adopted during the same year?

MR. STANSFELD, in reply, said, the Department over which he presided had not in their possession sufficient information to enable them to answer the Question at that time.

#### TURKEY AND GREECE—BRIGANDAGE. QUESTION.

MR. ION HAMILTON asked the Under Secretary of State for Foreign Affairs, Whether any Reports have been received from Her Majesty's Agents in Greece relative to recent acts of brigandage in that country; and, whether the Correspondence with the Greek Government relative to the assassination of Mr. Herbert and others is finally closed?

VISCOUNT ENFIELD: Sir, reports have been at various times received during the present year from Her Majesty's Consuls at Salonica and Corfu reporting the appearance of brigands and acts of brigandage in Salonica, in Macedonia, and Thessaly, and Albania. Major Stuart, lately Consul at Janina, reported the murder of a boy by brigands, in a despatch received a few days ago. Her Majesty's Ministers at Athens reported recently that the brigand chief Spanos, on the Ottoman side of the frontier, has lately killed two other brigands from motives of revenge. The Correspondence with the Greek Government relative to the assassination of Mr. Herbert and others is, to all intents and purposes, closed.

#### TEIGNMOUTH AND DAWLISH TURNPIKE TRUST.—QUESTION.

SIR STAFFORD NORTHCOTE asked the noble Lord the Member for North Derbyshire, On what principle the arrangements recommended with regard to the Teignmouth and Dawlish Turnpike Trust are founded?

LORD GEORGE CAVENDISH, in reply, said, the principle on which the arrangements recommended had been founded was that which the Committee had endeavoured to apply in all cases of insolvent trusts—namely, the doing of justice to all by making equitable arrangements between the public, the ratepayers, and the creditors. The first Act of Parliament was granted to the Teignmouth and Dawlish Trust 50 years ago. Their last Act dated back six years, and the trust had since been continued from year to year. They had 24 miles of road, and in that distance there were 22 gates and bars, seven of which formed a network round the town of Teignmouth. Their ordinary bonded debt was over £24,000, in addition to

which they had a preference debt, with which the Committee could not interfere, of £700. The tolls averaged about £1,100 a-year, and the trustees had applied the income to paying the interest on their debt. They had not paid off any part of the *corpus*, nor had they repaired the roads. The Local Board of Teignmouth had therefore applied that the trust be at once discontinued.

UNION RATING (IRELAND) BILL.  
QUESTION.

MR. BRUEN asked the honourable Member for New Ross, What course he intends to pursue with regard to the Union Rating (Ireland) Bill?

MR. M'MAHON, in reply, said, he wished to proceed with the Bill; but he feared he should not be able to do so in the present stage of the Session. There was only one substantial Amendment proposed, and if the Government would only take up the measure it could be passed in a very short space of time. The Bill was a very short one, and its object was simply to assimilate the law of Ireland. ["Order."]

MR. SPEAKER said, he must remind the hon. Member that he was quite out of order in explaining the provisions of his Bill on the question now put to him.

MR. M'MAHON said, he proposed to give Her Majesty's Government a space of a week or ten days in which to consider whether they would take up the Bill and carry it through this Session, because if they did not take this course, the Session would have been utterly barren of useful measures for Ireland.

IRELAND—NATIONAL EDUCATION  
COMMISSIONERS—THE CALLAN  
SCHOOLS—DISMISSAL OF REV. ROBERT  
O'KEEFFE.—QUESTION.

MR. BOUVERIE said, that as, looking at the state of business, he was not likely to be able to bring forward his Motion in reference to the Callan Schools to-morrow, he wished to know whether his right hon. Friend at the head of the Government could state at once, or on the next day, when he could grant a day for the consideration of the question?

MR. GLADSTONE cheerfully acknowledged the considerate manner in which his right hon. Friend met the Government with regard to the important

Motion he had on the Paper, and said that he would endeavour to state in the course of to-morrow's sitting when he could fix a day for the question. He was very anxious that it should not be supposed there had been any wilful delay in reference to the matter. The Commissioners of Education in Ireland were a body governed by strict rules, and it was impossible at that moment to say when the communications between the Government and the Commissioners would be in such a state of forwardness as to admit a discussion of the Committee's Report. As soon as possible he would fix a day, and he hoped it would be an early one.

SUPREME COURT OF JUDICATURE  
BILL—(Lords).

(Mr. Attorney General.)

COMMITTEE. [Progress 1st July]

Bill considered in Committee.

(In the Committee.)

PART I.

*Constitution and Judges of Supreme Court.*

Clause 6 (Constitution of Court of Appeal).

Motion made, and Question proposed, "That the Clause be postponed."—(Mr. Spencer Walpole.)

MR. DISRAELI: I have hitherto refrained from troubling the Committee with remarks on this Bill for two reasons. The first is that I am favourable to the policy of Her Majesty's Government on this subject—that is to say, I am favourable to a reform in the Judicature of this country, and that our Judicature should consist of a Court of Primary Decision and of a Court of Conclusive Appeal, and that both of these Courts should be formed of the most efficient elements. Sir, the second reason why I have refrained from making any remarks in the course of this Bill has been, that I was myself once called upon to consider the subject, and I am well aware of the difficulties connected with it. I therefore refrained from any observations which might, perhaps, have increased those difficulties. So far as I myself am concerned, my frame of mind may be fairly described as that of one who watched the mode in which Her Majesty's Government sought to solve

those difficulties in a spirit of respectful curiosity. But what has happened with regard to this measure? Within the last 48 hours so many remarkable circumstances have occurred, and Her Majesty's Government has taken so unexpected a line—unexpected not only by the House and by their own supporters, but I should imagine, from the expression of their own countenances, by themselves—that I do not consider it consistent with my duty to continue silent when I believe that the Committee has in an inconsiderate manner placed themselves in a position of considerable peril to the public interests. Now, it is just as well, when we are dealing with matters of this kind, that we should have a just conception of what it is we are undertaking to grapple with. We are dealing with a subject very dear to the people of this country—namely, the administration of justice. I do not think there is any subject in which the people of England take so profound and so keen an interest. They have a stronger feeling with regard to the administration of justice than they have even with respect to the incidence of taxation, because, in fact, its influence is more extensive. Very few people are discontented, as far as taxation is concerned, unless they are touched by a direct tax which is only contributed to the Treasury, after all, by a minority of the people; but the whole country is interested in the administration of justice. It is highly desirable, therefore, that in any step which we take we should have a clear conception of what we are attempting to accomplish, and that we should really have from the Government a precise statement of what they wish to achieve. At present I confess I am somewhat at a loss upon those two heads, and the only object which I have in making these remarks is that before we pass any further clauses I may be able to obtain a clearer idea of what is the object of the Government, what is the course by which they really propose to effect that object, and what may be the consequences if that object be attained.

It may be well for a moment, and only for a moment, to consider how it is that we are dealing with this subject—namely, the reform of the Judicature of this country. We should be in error if we supposed that Her Majesty's Go-

vernment had taken up this question as a matter of choice, or in a spirit of caprice, or that, in proposing to reform the Judicature of this country, they were only bringing forward a subject which might excite the interest of the constituencies. The circumstances which have led to the necessity of legislating upon this head are not of a trivial or temporary character. It is now half a century since the question was raised whether the system of Judicature prevailing in this country which had long been so vaunted was altogether a system which secured to the subject a satisfactory administration of justice. Its purity and its impartiality have never been impugned; but its efficiency was years ago questioned—first by scholars in their study; then it was canvassed by eminent lawyers and statesmen; then that criticism led to the institution of Commissions; then the subject was discussed in the public Press, in all the forms of that Press, from daily journals to Quarterly Reviews, until at last a body of public opinion, ripe and strong upon the subject, had been created, the influence of which could no longer be resisted by any Government, and in due time the Judicature Commission was appointed. The Judicature Commission recommended, generally speaking changes in harmony with those which had long been accepted by persons of great authority and influence, and which had been advocated by the Press universally. I mention these things to show that it was quite impossible for any Government to leave this question of Judicature untouched and believing that reform of the Judicature was necessary, I should have been glad to have seen a measure brought forward by any Government which would effect this object. Well, Her Majesty's Government brought forward a measure which certainly might have done this. There might be controversy as to the preferable mode by which those results might be obtained; but no one can deny that in the Bill sent down to this House there were elements which under the influence of the criticism of the Committee might have been moulded and matured successfully, so as to establish two great Courts, the one of Primary Decision and the other of Conclusive Appeal, thereby accomplishing those two objects which practical men and philosophers, the Press, and learned



Committees and Commissions of Inquiry had all agreed to recommend, and which now, after a considerable number of years, have been generally accepted by all those leading men who have given their minds to the subject as most desirable objects to accomplish. Now, I will address the Committee strictly with reference to the Motion before it for postponing Clause 6. In effecting the object I have described Her Majesty's Government had called upon the House of Lords and the other Courts of Appeal in this country to surrender their jurisdiction, and the House of Lords, as all know by the Bill now before us, made no difficulty on that head. If it was necessary to have one sole Court of Appeal it was, of course, necessary, unless you concentrated all its duties in the House of Lords, to devise a new Court in which all other Courts of Appeal and all other tribunals of that character should be absorbed. And here I would mention the regret which I feel that there should have been some misapprehension as to the conduct of the House of Lords, as I have collected in the course of the various discussions on the subject. The question is always treated as if the House of Lords had relinquished their duties because they felt that they were unable any longer to fulfil them. But that is an error. The House of Lords did not for a moment acknowledge that they were unable to fulfil those duties which the Constitution of this country at present delegates to them. On the contrary, we have it in evidence—evidence before the Committee of the House of Lords on the subject—evidence adduced by the Lord Chancellor and the late Lord Chancellor (Lord Hatherley)—that the duties of the House of Lords as a Court of Appeal were never performed in a more satisfactory manner than in this generation, and especially during the last few years. Evidence to that effect is abundant. Indeed the House of Lords, we know as a Court of Appeal was a popular tribunal, particularly in Ireland and in Scotland. We have complete evidence on that subject taken before the Lords themselves, and it is acknowledged in the Report of the Committee, many Members of which were Members of Her Majesty's Government. On that point, therefore, there can be no doubt. How did it then become inevitable—and I dwell on this

topic because I know some dissatisfaction exists among my Friends around me on the subject—how did it become inevitable that the House of Lords, whilst they were performing in the most satisfactory manner their duties as a Court of Appeal, should have consented to relinquish that jurisdiction? It arose in this manner. So long as you had an intermediary appeal in England—and you had more than one—the number of appeals, which are considerable in the country, were sifted by the Intermediary Courts, and the only issues that went to the House of Lords were of that gravity, either as regards the amount of property or the possession of precious privileges, which those interested would not consent to have decided by one appeal. Therefore, the business of the House of Lords might be accurately described by these figures. The appeals that came up were from 50 to 60 per annum, and the House of Lords dealt with them in the most satisfactory manner. The very appeals to them upon matters of such commanding interest showed the confidence of the country, and that the decisions at which they arrived were satisfactory to the suitors. Nor should it be omitted that so prompt was the transaction of their business that there were no arrears; so that if there had been no change the House of Lords were capable of perfectly fulfilling those duties which the present constitution of the country devolves on them as a Court of Appeal. But the moment you terminated the Intermediary Courts of Appeal, the Exchequer Chamber, the Committee of the Privy Council, and others, the appeals, which are now 50 or 60, would be described by a very different figure—they would be 500 or 600; and the House of Lords felt that by their constitution they would be quite inadequate to transact business of that amount; and they felt also the unsuitableness and incongruity that a Senate like the House of Lords should be called on to decide on a point of procedure in a Court of Law, on some interlocutory motion and such like, but which, if there was only one tribunal of ultimate appeal, must all go to the House of Lords. It was therefore perfectly clear that if the Government adopted this new principle—if you had only one tribunal of appeal in this country—unless very much more compli-

cated and different changes than those proposed in this Bill were adopted, it would be impossible that the House of Lords could grapple with the business you proposed to call on them to transact. That was the reason why the House of Lords willingly relinquished their jurisdiction of appeal; but that jurisdiction the House of Lords, in relinquishing, were conscious they had performed in an unexceptionable manner, and one which has never been for a moment seriously impugned.

So far as to the position of the House of Lords; but Her Majesty's Government in dealing with this question on the lines upon which they were building, and in the Bill they have consequently placed before us, dealt with it with prudence and sagacity. Their conduct was prudent, but it was inevitable. They refrained from dealing with the ultimate appeal of Ireland and Scotland to the House of Lords. I was therefore very much astonished when the other night, to my great surprise, the right hon. Gentleman opposite announced to the House that, without discussion and without debate, he was going to accede to the Motion of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie). I wish, therefore to know whether the right hon. Gentleman and the Committee have duly considered what must be the consequences of our adopting that course; because I cannot, from the Amendments which have been placed on the Table by Her Majesty's Ministers, assure myself that these consequences have been foreseen. I certainly do not find that there are any remedial arrangements proposed to prevent the ill consequences which seem inevitable. Now, Sir, the appeals which are brought up to Westminster from Ireland and Scotland are not very numerous. They are much more numerous from Scotland than from Ireland; but I suppose if I take them in the course of the year at from 30 to 40 I should not be making an inaccurate statement. Well, now, I want to know from Her Majesty's Government whether they are going to treat, or why they do not treat Ireland and Scotland in respect to the institution of this Court of Appeal on the same conditions as they did England. In England, we are told, the subject is to enjoy what, according to the results of all enlightened inquiries

on the matter, is a great privilege—he is to enjoy in the administration of justice the privilege of being free in the decision of his issue from continued and repeated appeals; he is to have a single Appellate Tribunal. As I collect from Her Majesty's Government, that is not a privilege that is to be accorded to Scotchmen and Irishmen, and I cannot understand why. It appears to me utterly impossible that we can legislate with any prospect of arriving at a satisfactory termination if we avoid this difficulty. Suppose we agree to the suggestion which I collect from the Amendments which are to modify this 6th clause as proposed by the Government—suppose we arrive at the arrangement which the Government in the first instance recommends, what happens? The Irishman and the Scotchman alike possess Courts of Intermediate Appeal in their own countries; but they are also to have an Ultimate Court of Appeal in England. In order to effect this object we are to have Irish and Scotch Judges appointed. Well, now, with the two *ex officio* Irish and Scotch Judges, and two Judges appointed in a different manner, the business they would have to decide according to the average time required for Scotch and Irish appeals will probably occupy from Scotland two or three months, and from Ireland two or three weeks. You will therefore have the Irish and Scotch Judges so appointed kicking their heels about London, doing nothing, and they will be called in to decide English appeals; and what effect will that have on the constitution and character of the single Court of Appeal which you have engaged to secure for the people of England. The right hon. Gentleman has applied this Bill to Ireland and Scotland; suppose as the result of discussion the right hon. Gentleman advances in his opinions another step—suppose he abolishes the intermediate Courts of Appeal in Ireland and Scotland, and puts the three countries on exactly the same footing; then there will be ample business for both the Irish and Scotch Judges. It is possible that, as the result of discussion, he may be driven to that logical and reasonable conclusion, but in what position may we find ourselves? The Scotch and Irish appeals, which may be now 30 or 40, would become 300 or 400; you would have appeals on points of prac-

tice, on the most insignificant subjects on interlocutory questions from Ireland and Scotland, argued here at considerable expense, which I need not dilate upon; and you would have solicitors and perhaps barristers brought from Edinburgh to discuss these matters. Can a more retrograde movement be conceived? We have now been for a century, more or less, mitigating and abolishing the centralized judicature which the Normans established in this country. The boast of this generation is the institution of County Courts. Every Session we are developing the attributes of the County Courts, increasing their power and extending their sphere, and in every way raising their influence upon the people. Now you would institute a system which would call upon the people in Ireland and Scotland, upon every insignificant subject upon which the laws of this country allow of an appeal, to travel to Westminster at an immense expense, bringing counsel, solicitors, and agents to argue these points. Do you think you can do that without creating a great mass of discontent? It is the question which at the end of the last century caused so much feeling in Ireland, when the question arose whether a writ of error in the Court of Queen's Bench in Ireland should run to the Court of Queen's Bench in Westminster, upon which Mr. Grattan made such passionate appeals to his country and created such a feeling that England was obliged to yield. You are actually on the eve of reviving the very legislation which was then so odious, and which, if you had persisted in maintaining it, might have led to serious consequences. Upon these topics we ought to have a clear intimation of the intentions of the Government. We ought not to be told that something is to be done on another occasion to complete this plan—that, no doubt, something further is intended, and will in due time be proposed. This is a system the parts of which must all hang together. If you really believe, as I am prepared to agree, that it is a high privilege gained for any subject in the administration of justice that there shall be only a single and conclusive Court of Appeal, you have no right to deprive an Irishman and a Scotchman of the same privilege. If you do not legislate in this instance with regard to Ire-

land and Scotland the same as for England, you are leaving the Irish and the Scotch to make an inevitable demand, and that will be—Let us have only one Court of Appeal, and let us have it in Dublin for Ireland, and in Edinburgh for Scotland. That may or may not be a desirable course; but it is the inevitable consequence of the course you are now pursuing.

We have heard a great deal lately about a sudden change of feeling in Scotland and in Ireland on this matter. It was understood at the beginning of the debates that Ireland and Scotland were perfectly content with the appeal which they now enjoy to the House of Lords; it was mentioned on the authority of the Prime Minister, who even dilated on the subject, and that was the triumphant defence which the right hon. Gentleman had against expanding the provisions of this Bill to Ireland and Scotland. Now all this has been suddenly changed; but what evidence have we of the change of feeling? It is said the Lord Advocate has held a meeting of Scotch Members. I am no great admirer of the way in which Scotch business is conducted in this House, or rather out of this House. It appears to me a somewhat strange, scarcely constitutional course that the Lord Advocate should have it in his power to call a meeting of Scotch Members upon a subject of public gravity like the present and communicate to us their opinions without our being favoured with them in debate. I entirely object to that mode of conducting Scotch business; and if it is continued, how are we to remedy our unfortunate ignorance of Scotch business and above all master the mystery of Scotch law? The Lord Advocate gives a dinner party to some Scotch Members, not more numerous than an ordinary dinner party; and then he informs us that he met some 20 Scotch Members and extracted from them the opinion that the feeling of Scotland, which for 200 years has been strongly in favour of carrying their appeals to the House of Lords, has entirely and suddenly changed. I say that evidence is not sufficient. In Dublin we have a most extraordinary meeting of lawyers who pass resolutions the result of which is that they want to keep their own Intermediary Court of Appeal, which furnishes them with plenty

of business, and to enjoy the privilege of having a couple of their members nominated Judges of the Court of Appeal in England. On such conditions, that they are to have a local Court of Appeal and an Imperial Court of Appeal, too, they are very much in favour of the arrangement proposed by the Government.

We have always been led to believe that the great object of a Court of Appeal of the character we desire—recommended by all these Commissions and Committees and learned legists who have devoted themselves to the study of the subject—that the great object is to secure harmony and uniformity of decision. A Court of Appeal should steady the law, and to effect such a purpose it must consist of homogeneous elements. How are you dealing with it in this Bill in regard to attaining such objects, and especially this Bill as modified by the Amendments placed on the Table with respect to the 6th clause? Whether you retain the local intermediate Courts of Appeal in Scotland or not—and I think you will find it impossible—it will be expected, for the very reason that you have selected Scotch Judges, that they should give their minds to Scotch appeals, and that Irish Judges shall give their attention to Irish appeals. You have already decided that India Judges shall give their special attention to Indian causes, and, of course, the English Judges will attend to English causes. Thus you will have four Courts, instead of the great desideratum of a single Final Court of Appeal; and, instead of harmony and unanimity of decision and a steady law, you will have four Courts acting on different grooves, all giving, for aught I know, different decisions. What a position is this, that instead of a single Court of Appeal, consisting of first-rate men, you will have, perhaps, on the very same day different portions of it—those portions all being tribunals of equal and supreme authority—giving absolutely contradictory judgments.

There is another point with reference to these changes which I must bring before the consideration of the Committee, that is the great importance that has always been attached—if you are to have a single Court of Appeal—to this, that that Court of Appeal should consist of first-rate men; that those who

construct and select the Court should have the power and privilege of selecting men for their merits, and for their merits alone; and that nothing but the possession of transcendent qualities as to learning, experience, sagacity and character should sway the decision. Look at what a position you will be placed in by the new propositions of the Government on this head. There are to be two Scotch and two Irish members of this tribunal. I do not wish to make an invidious remark. Both the Bench and the Bar of these countries at present furnish men quite adequate to this position; but this has not always been the case; for there have been times when neither the Bench nor the Bar of Scotland or Ireland could furnish such men. There may have been times when you have found it very difficult, even in England, with its larger area to find adequate men. But by this new change in the Bill you are no longer to appoint only such men, because so far as four of the Judges are concerned you will select them not for excellence, but for nationality. When these four men have transacted their special business—their Scotch and their Irish business—they will then be deciding upon English business; and, therefore, instead of securing for your Court of Appeal those only who have been appointed for excellence, it is quite possible that you may have your appeals from England decided by Scotch and Irish Judges, who have not been appointed for excellence but for nationality. I think that these are grave considerations, and ought to occupy the attention of the Government. If I could obtain from the Government an admission that they had considered these points I should be the less disheartened. But the Amendments on the Paper do not warrant me in arriving at any such conclusion. What we want is, a complete and coherent tribunal. As regards the Irish and Scotch Judges, we ought to know what the Government intends to do in respect to the Intermediary Courts of Appeal in the sister countries. If those Courts are to remain there is no necessity for appointing Irish and Scotch Judges—the Scotch appeals really occupying only 10 weeks in the Session, and the Irish appeals only about 10 days. If there is to be one sole tribunal of appeal in the country, everybody must agree that both Ireland and

Scotland should be represented. But if those Intermediary Courts are to be retained, you will deprive the English subject of the security promised in the fact of the Prime Minister exercising an unlimited choice in the selection of Judges, and being bound by the responsibility of selecting men of transcendent ability. Instead of that to meet with a result such as I have indicated would be most unsatisfactory. I will not presume to give any advice to Her Majesty's Government, because that is always subject to misapprehension; but if I were to advise them on this occasion it would be as sincere and honest advice as was ever given in this House. Her Majesty's Government have boldly, and to their honour, dealt with a subject of great difficulty. The House has read the Bill a second time. Therefore, the House has sanctioned their policy. But the House, I am sure, cannot be insensible to the imperfect manner in which the Bill carries out that policy, and especially to the manner in which the principles of the Bill have been altered in a sort of haphazard manner without notice and without discussion. Under such circumstances, I think the Government would do well if they took some more time to consider the details, especially as they have been much modified by the enormous concession of the other night; and that when the House shall meet again the Government might give us a Bill which will not only be satisfactory to the House, but will give confidence to the people of this country.

MR. GLADSTONE: This is the period for agreeable surprises. On Tuesday the late Lord Advocate of Scotland disclosed an idea in recommending the Government to withdraw the Appellate Clauses of this Bill. But the right hon. Gentleman opposite (Mr. Disraeli) has improved on that suggestion in recommending the withdrawal of the whole Bill. He does this in a manner that is bland and genial, and with many compliments to Her Majesty's Government as to the difficulties they have had to encounter and the courage with which they have met them. I am not convinced in the slightest degree by the reasons which the right hon. Gentleman has urged. Those reasons must be viewed in the light of day. I want to know whether the speech of the right hon. Gentleman has really left a clear and

distinct impression on the mind of the House as to the grounds on which, at this time of day, he recommends us to stop short in the labour in which the other House of Parliament and we ourselves have been engaged. Here is a Bill which is the production in the first instance of a Royal Commission. This Bill, in a House where the influence of the right hon. Gentleman predominates, has received, as to its main parts, unanimous approval. It has now come to this House after a long discussion on the second reading, and the opinion of the House has not been challenged by those who are adverse to the Bill, and a unanimous vote has been recorded in its favour. The slender foundation upon which the right hon. Gentleman has contrived to construct the broad recommendations he makes, is the change that has been adopted in compliance with the spirit of the motion of my right hon. Friend the Member for Kilmarnock (Mr. Bouverie). Upon that point he has founded the inverted pyramid he has now presented to the House. Is the right hon. Gentleman right in thinking that it would be for the credit—I do not say of the Government, but of the House of Lords or of the House of Commons—that the resolution he proposes should be adopted? My belief is that if Her Majesty's Government, lured by the complimentary expressions of the right hon. Gentleman, and possibly influenced by the infirmities of human nature at this period of the year, were to adopt the fatal decision of abandoning this work, of which we are about to reap the fruit, we should cover ourselves with ridicule and with the deserved contempt of the country. The right hon. Gentleman has put together a number of ingenious arguments, some of which appear to me to go to the very root of the Bill. The right hon. Gentleman committed himself to this opinion—that if we abolish intermediate jurisdiction in Ireland and in Scotland the consequence of that will be that, instead of having one great Court of Appeal for the three countries, we shall be compelled, in deference to the demand of Ireland and Scotland, to have three Courts of Appeal, and that opinion was founded upon a prior argument, which was this—that as, according to the principles of this Bill, it is of great advantage to the people of this country that intermediate appeals should be abolished,

we should not be justified in withholding that advantage from the people of Ireland and Scotland. If the argument of the right hon. Gentleman be sound, I venture to say we shall not be more fit next year or in any coming Session to deal with the question of a Tribunal of Final Appeal, and a great deal of time has been wasted, and we had better have left things alone. The right hon. Gentleman was rather severe upon the subject. He contemplates the arrival of periods when it will be necessary for the Prime Minister of the day to fill up the vacancies in the Courts of Appeal with inferior men from Ireland and Scotland. This doctrine as to the inferiority of Irishmen and Scotchmen is an awkward doctrine. The right hon. Gentleman is at the head of a party constructed of Members belonging to the three nations respectively. I do not understand what experience has led him to lay down this despairing doctrine. Is it in the choice of the Lord Advocates of his Government that the right hon. Gentleman feels himself entitled to anticipate those unfortunate results? I wish I could offer some consolation to the right hon. Gentleman. It appears to me that his Lord Advocates, including the last one, have been abler and more learned men than the right hon. Gentleman thinks. I see no signs of hopeless and incurable inequality of intellect as regards the Scotch Judges. Nay, more; we have had the idea that the Scotch, besides having a sufficiency of intellect for themselves, were what may be called an exporting nation, used to provide a certain amount of intellect, over and above what the home market required, for the use of their neighbours in the South and elsewhere. I will not push the argument so far as to wound the feelings of Englishmen; but I think I am justified in putting aside so much of the argument of the right hon. Gentleman as depends upon his unhappy anticipation as to the difficulty of finding competent men in Ireland and Scotland to bring into the Court of Appeal. On the contrary, my hope is that a little free trade and free contact between Irish and English Judges, and still more between Irish and English and Scotch Judges, with the new views and lights of law which will come to us here from a legal system so different from our own as that of Scotland, will be highly beneficial to

all three. My pulse, therefore, is not lowered, my anticipations are not darkened. I take rather a cheerful than a gloomy view of this portion of the subject. But then the right hon. Gentleman objects to a declaration of opinion by the Scotch Members. He says it is highly unconstitutional that the opinion of Scotch Members should be gathered by the Lord Advocate at a meeting of the size of an average dinner party. Now, the size of an average dinner party is a small matter; but the hospitality of the right hon. Gentleman must be boundless if he looks upon a meeting of some five-and-thirty Members in this light. If that be the size of the average dinner party which is to govern our domestic arrangements, some of us must provide additional length and breadth in our dining rooms. But the right hon. Gentleman objects on principle to this collection of Scotch Members and seems to think it a bad thing. I will not enter into any general argument upon the question of consultations between Members connected with particular interests or districts; but I think it is a good thing, and that the management of Scotch business in this Parliament, so far from being open to adverse criticism, is an example which we should be glad to follow and extend as far as we can do so. I fear it is not practicable to extend it greatly; but having had some cognizance of the effect of this custom upon the despatch of Scotch business in this House, I differ from the right hon. Gentleman, and think the practice not a bad, but a good one. I am astonished, however, that if the right hon. Gentleman is right in thinking it a bad thing, it should have been the constant habit of his Government to hold these meetings. I am told that my right hon. and learned Friend the Lord Advocate has held but few of these meetings, and is regarded by some Scotch Members as being on that account a degenerate successor of the late Lord Advocate.

MR. GORDON: I am not aware that when I was Lord Advocate I held any such meeting, except in one case, when I was not in Parliament, and the Scotch Members were called together to receive an explanation of the provisions of the Public Health Bill.

MR. GLADSTONE: That explanation reveals, I must say, a rather unconstitutional act. That the Lord Ad-

vocate, being a Member of the House of Commons, should invite some brother Members to consider a certain subject seems to me quite justifiable; but that the Lord Advocate, being a servant of the Crown and no Member of Parliament at all, should convene such meeting is an extension of a usual and established practice as to which I had rather reserve my judgment. But I am told that when it was not convenient for the Lord Advocate to call the Scotch Members together they were called by another person. The objection of the right hon. Gentleman is that they should be called by the Lord Advocate. Apparently he is not a personage of sufficient dignity for that purpose; but I am informed that during the existence of the late Government when the Scotch Members were not summoned by the Lord Advocate, they were called together by a Lord of the Treasury. These points were only the wadding or the padding of the right hon. Gentleman's speech, and I may pass from them with rapidity. He has made one or two other points, of which I hope I can dispose without possessing special or professional knowledge. The right hon. Gentleman is afraid that the Appellate Court by meeting in two Divisions will be in danger of coming to opposite decisions, so that there will be a conflict of law within the bosom of the Court itself. Here, again, I make this comment upon his argument—that if one Court of Appeal be constituted for the three kingdoms, it will still not be possible that all its members should act together upon precisely the same business. The right hon. Gentleman, therefore, proves too much; but if I am correctly informed his apprehension is entirely groundless. He fears that the Divisions of the Court of Appeal will proceed in culpable disregard—at any rate, in occasional disregard—of the judgments of one another, thereby insuring a conflict of decisions. But the difficulty raised is one of which we may say—*solentur ambulando*. We have in Scotland a case exactly in point. The judicial body in Scotland is divided into two Houses for the purposes of appeal, and appeals are made from the decision of a single Judge to one or the other of these Houses. When, however, there is the slightest apprehension that variance will be the result of sole action, the two Houses are in the habit of meet-

ing together; and the 50th clause of the Bill enables the Divisional Court of Appeal, under like circumstances, to enlarge itself and include a greater number of Judges. It will thus be in the power of the Court of Appeal to make perfect provision for unity of decision. Then the right hon. Gentleman also fears that the Court of Appeal will be overwhelmed with the multitude of appeals from the County Courts; but the Bill contains no proposal on that head.

MR. DISRAELI: The right hon. Gentleman is mistaken. What I wished to show the Committee was that if we abolished intermediary tribunals in Scotland and Ireland, and forced suitors to come to Westminster in order to appeal in comparatively insignificant cases, we should be reviving the Norman system of centralization.

MR. GLADSTONE: I quite apprehend the argument of the right hon. Gentleman, and it is one which must be weighed and examined when we come to consider the question whether intermediary appeals shall be abolished in Scotland and Ireland. But on this point I think there is a double error in the speech of the right hon. Gentleman. First he assumes that it is necessary to proceed now with regard to these intermediary appeals. I do not admit the necessity. It is perfectly possible to make the requisite provisions with regard to the Court of Appeal before considering the question whether we shall or shall not abolish the power of intermediate appeal in Ireland and Scotland. But it is quite obvious, also, that the question of intermediate appeal is not the same in the three countries, and for the very reason which the right hon. Gentleman has urged—namely, that we should prefer the local, where we can do so, to the central principle, and because while it might be perfectly right to abolish intermediate appeals in London, it might not be expedient to do so in Dublin or Edinburgh. I do not know whether the Lord Advocate would be prepared to give a positive opinion as to intermediate appeals in Scotland; but I think he would hesitate to affirm at this moment the absolute necessity of abolishing intermediate appeals there—[The LORD ADVOCATE: Hear, hear.];—and I am told that is the opinion at which the Irish Bar has arrived.

Mr. DISRAELI: It is a very natural opinion for the Bar to form, and I quoted it.

Mr. GLADSTONE: It also appears to be a decision sound in principle; that is to say, we must keep the administration of justice local as far as we can do so, subject to the further principle that there must be perfect unity in the matter of appeals. In truth, therefore, the question is very simple. If the right hon. Gentleman thinks, as he is entitled to think, that we are wrong in endeavouring to extend the scope of this Bill so as to include Scotch and Irish Appeals, he will have, in consequence of the mode of procedure we propose, the most convenient opportunity of raising that question; because nothing done in the Committee will in the slightest degree commit the right hon. Gentleman, who will be free to exercise his judgment on the partial re-committal of the Bill which we mean to propose. If, on the other hand, as we believe, it is perfectly practicable to introduce those limited changes into the Bill which this extension will require, there is no reason for refusing to go forward with the Bill as it stands, the House being in full possession of the intentions of the Government. In saying that the House is in full possession of the intentions of the Government, I must point out an unfortunate error in a single word of the printed Amendment to be proposed upon re-committal. On a former occasion I intimated that we were engaged in considering whether it would, in our judgment, be necessary to ask the House to give us the power of adding one more Judgeship to the Court of Appeal, thereby increasing the number of other persons to be appointed from three to four. Upon consideration we have come to the conclusion that it is not necessary to ask for such an addition. If, however, upon more careful consideration during the Recess we find it necessary to ask the House for additional judicial strength, it will be our duty to make that demand without fear that the House will decline to meet it. Under these circumstances, the last line of one of the pages of Amendments should read, "such other persons not exceeding three," instead of four, as printed, "as Her Majesty by letters patent may be pleased to appoint." The assumption of the right hon. Gentleman was that

the Court of Appeal would be overburdened with business in consequence of the abolition of the intermediate system in Dublin and Edinburgh. My answer to that is perfectly distinct. First, I do not know it does follow that there would be a very large addition, for I am told that the Appeal business in Scotland is not very large; but whether that be so or not, is a matter which we shall be able to consider with far greater advantage when we come to deal with this intermediate jurisdiction. Meanwhile, the provisions now before us are enough to enable us to constitute the High Court of Judicature in a satisfactory manner as a Court of First Instance for England alone, and as a Court of Appeal for the three kingdoms.

Mr. GREGORY thought that the Government had done right in adopting the proposition of the right hon. Gentleman (Mr. Bouverie); but it necessarily led to a re-consideration of the constitution of the Court of Appeal. He (Mr. Gregory) would admit there were great anomalies in the constitution of the House of Lords as a Court of Appeal; but he thought its jurisdiction might have been preserved if the Chief Justices and other eminent lawyers had been associated with the Law Lords. As, however, the Lords themselves had not thought fit to adopt such a course, this House could only accept the Bill in the shape in which it had been sent down by them. The question resolved itself into one of the Court as now proposed. It was quite evident that we must preserve the intermediate Courts of Appeal in Scotland and Ireland, whereas they were to be abolished in this country, and surely this would be a great anomaly. How would it be possible to work the Court of Appeal as constituted by this Bill? There were to be nine ordinary and certain *ex officio* Judges, but he doubted whether the latter could be relied upon to attend the sittings of the Court, particularly as some of them were to be taken from Scotland and Ireland. Some, again, would have to preside over the Divisional Courts, and consequently could not be relied upon to sit in the Court of Appeal. All therefore that they could calculate upon were the nine ordinary Judges. These nine Judges were empowered to subdivide themselves into Divisions of not fewer than



three each. Now, it appeared from a Return before the House that the number of appeals to the Lord Chancellor and the Lords Justices in one year were 215, to the Exchequer Chamber 107. Adding to these 25 Scotch and 10 Irish Appeals, they had a total of 357 in the course of the year, which would have to be disposed of by the three Divisions he had just referred to. Now, four of the Judges were taken from the Privy Council for the purpose of forming the Divisions, and how, in their absence, would the business of the Privy Council, which was sufficient to occupy them all the year round, be carried on? Indeed, he was not sure that the Indian business of the Privy Council, relating to Mahomedan law, was not of itself sufficient to occupy the time of one of the Divisions, independently of the ordinary Appeals from the Colonies. He felt convinced that unless there was an intermediate Court appointed to consider and adjudicate upon minor matters the appellate scheme proposed in the Bill would not work in a satisfactory manner. He hoped that in this respect the Government would modify their Bill.

MR. MACFIE said, in reference to the transferring the jurisdiction of the House of Lords in Scotch appeals to the new Appellate Court, he had put himself in communication with his constituents, and in order to get a guide to their views, he had distributed about 30 copies of the Bill; but up to that hour he had not been able to get any reply to his question, and he was not likely to obtain their views for some few days, because it was only that morning that the Amendment which brought Scotland within the scope of the Bill had been put upon the Paper, and it would be next week before his fellow-countrymen in Scotland would have an opportunity of considering the subject. Taking those circumstances into consideration, he submitted it would be well to confine the Bill to England, and in the intermediate months that would elapse between the present discussion and the next Session, let the question be well ventilated and discussed, and canvassed in Scotland, and then no doubt a very sound and tangible conclusion would be arrived at. He thought that the Government might be content with the exaltation which would accrue to them from the glory of having settled this

question so far as England was concerned. By the adoption of the course which he proposed, they would be enabled to go to the country some weeks earlier, which would be a very great comfort to them all. He implored Her Majesty's Government to adopt that alternative. He was sorry to say that, in his opinion, there prevailed on this subject in Scotland the most complete ignorance—an ignorance so great as to entirely mislead. That morning there reached him from the capital of Scotland one of those liberal and popular papers, *The Daily Review*, and in that paper was a leading article which he would read if it were not against the rule of the House, but as it was he would content himself with describing it. The scope of that article was that with respect to the present state of the appellate jurisdiction of the House of Lords, as regarded Scotch appeals, not only was it not unsatisfactory, but that it ought to be maintained, and that his right hon. Friend the Member for Kilmarnock (Mr. Bouverie) had rendered Scotland infinite service by helping to maintain it. Therefore, not only was it that the people of Scotland were ignorant of the provisions of the Bill, but they misunderstood altogether what it was that Her Majesty's Government aimed at. Now, that was one reason why he thought that it would be better that this part of the Bill should be postponed. He did not think the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was altogether wrong when he said that substantially Scotland was to be put on a different footing from England. It would in reality, he contended, be an appeal from the Supreme Scotch Court to an English Court, and the result would be injurious, as the people would consider that justice would not be done. By the plan proposed the rich would have an undue advantage over the poor. If the Bill was passed through the House without the knowledge of the people of Scotland, and transferred the discussion of appeals from the House of Lords to this Appellate Tribunal, the Scotch people would most indubitably charge the Scotch Members with having forgotten or having become a party to a breach of the Treaty of Union in submitting to review the discussion of a Court in Scotland to a Court in England *ejusdem generis*, and in point of fact in

over-riding the judgment of a superior by that of an inferior Court, and thus interfering with the proper flow of justice. He was content with the decisions of the Courts of Session, and thought that if high salaries were given to the Judges there would be very few cases of appeal.

MR. AMPHLETT said, the Government had come to a wise conclusion in yielding to the general wish of the House that appeals from Scotland and Ireland should come to the highest Appellate Court. He had hoped that when the appellate jurisdiction of the House of Lords was abolished one great Court of Appeal, comprising men of the highest legal reputation in the country, would have been established. He agreed with the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) in thinking that great inconvenience and conflict of decisions would arise from having the Supreme Court of Appeal sitting in Divisions, and thus constituting two or more ultimate Courts of Appeal, each of whose decisions should be final. The right hon. Gentleman at the head of the Government had urged that in Scotland there was a precedent for a Court of Ultimate Appeal sitting in Divisions without causing inconvenience; but he seemed to forget that there was in the case of Scotland a further and final appeal to the House of Lords. What he intended to propose in another part of the Bill was that there should be an Appeal Court of five or seven Judges, whose decisions should be final, but also that interlocutory and other matters of that kind should be heard by a Division consisting of three Judges, whose decisions should only be final if they approved the judgment of the Court below. If the interlocutory matters, and all the cases in which there was an agreement between the Divisional Court and the Court below were taken from the Court of Appeal, the residue of the business would be quite manageable, and the Court would be more likely to give a greater amount of satisfaction to the country than it would if divided into sections.

THE SOLICITOR GENERAL said, that the Government were not at all wedded to the number three, and aware as he was that the suggestions of the hon. and learned Member (Mr. Amphlett) were always made for the purpose of

advancing measures, when the House came to discuss the clause for the number of the presiding Judges, the Government would consider the proposal very carefully. With respect to the question of "Divisions," the difficulties were obvious. The right hon. Member for Buckinghamshire (Mr. Disraeli) had pointed them out; but the fact was they could not get through the appeals without Divisions. As to conflicts arising between those Divisions, there was no reason to be apprehensive on the point. We had at present no theoretical security against conflicts between the two ultimate Courts of Appeal—the Privy Council and the House of Lords—and therefore the difficulty which the right hon. Gentleman pointed out might occur at present. But the answer to his objection was that it never did occur. The fact was the Court which was the stronger prevailed, so that conflict between the Courts was imaginary and not real. If the Judicial Committee were constituted as it was at the time when Lord Kingsdown lent his eminent services to it the House of Lords would pause a long time before deciding a case otherwise than in accordance with the previous decision of the Privy Council. If, on the other hand, the House of Lords was strongly constituted, the House of Lords would prevail. He was very much in favour of a practice followed with great success by the Court of Cassation in Paris and the Court of Appeal in Scotland, and that was, that when any difference of opinion occurred between the Judges to call in the other Judges to consider it. Now, that course could be adopted in the case of a subdivision of the proposed Court of Appeal under the Bill; for in cases where a difference of opinion existed in one, the other could be called in to assist in the consideration of the point. In that way a satisfactory conclusion would at once be arrived at. In his opinion, it was very doubtful whether two Divisions would be sufficient to get through the business; but at present the Judicial Committee of the Privy Council was rapidly getting rid of its arrears, and so might have more time than they required for the disposal of cases coming from India and the Colonies. It was the same with the arrears in the House of Lords, so that he and his hon. and learned Friend the Attorney General were in

hopes that a subdivision of the Court into two branches would be generally enough. The appeals from India oftentimes involved not only English but Hindoo and Mahomedan law; and those from the Colonies not only Common Law and Equity, but French, Roman, and Dutch law. He believed himself it would be desirable to send a Scotch Judge sometimes into the Colonial Division, where questions arising out of laws founded on Roman law sometimes arose, as Scotch law was in a great measure founded upon the principles of Roman law. In his opinion, if there were one Division of the Court of Appeal for cases of Equity and another for those of Common Law no conflict could occur between them. He thought he had shown that it was perfectly practicable to accomplish what they all desired—a substantially numerous, and satisfactorily constituted Appellate Court. With regard to the question of intermediate Courts in Scotland and Ireland, they had only a choice of difficulties. If they abolished Scotch and Irish intermediate Courts of Appeal, Scotch and Irish suitors would be compelled to come to London to obtain justice, which in cases of urgency—injunctions for instance—would amount to a denial of justice; while, on the other hand, if intermediate Courts of Appeal were kept up, there would be the expense of a double appeal, from which England was free. He thought the Government had adopted the lesser evil by allowing for the present the intermediate Courts to remain. But that was open to re-consideration when the judicature of Scotland and Ireland should be dealt with in a future Session.

MR. BOURKE said, in reference to what had fallen from the hon. and learned Solicitor General as to no conflict having arisen between the Judicial Committee of the Privy Council and the House of Lords, that the Privy Council always held itself bound by the decisions of the House of Lords.

THE SOLICITOR GENERAL: That is not so. In the last case I was in before them they said they were not bound by any decision of the House of Lords.

MR. BOURKE said, the hon. and learned Gentleman must of course be right in the particular case to which he had alluded; but it was undoubtedly the law and practice of the Privy Coun-

cil to hold themselves bound by the decision of the House of Lords. With regard to intermediate Courts of Appeal, it had often been said that this Bill was founded upon the recommendations of the Judicature Commission; but the Report of the Commission showed that they merely contemplated this great Court of Appeal as an intermediate Court, and that in certain cases a final appeal should be open to the House of Lords. Now with respect to the Lord Advocate of Scotland, he confessed he was surprised to find him in favour of this Bill, because in his evidence given last Session before a Committee his views were entirely opposed to it.

MR. OSBORNE MORGAN said, he heard with surprise the suggestion thrown out by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) when he recommended the Government to withdraw the Bill, and bring in another next year, more maturely considered. But where would the Government be next year? Where would any of those now present be? One thing was perfectly certain—if they dropped the Bill this year they would never have it again, and if they went on at the present rate of progress they would have to sit there till Christmas. He would suggest that the Committee should at once dispose of the Motion, and address itself to the consideration of the clauses of the Bill.

MR. WHALLEY asked the Lord Advocate whether he still held the views which he expressed before the Committee of the House of Lords last Session in favour of the appellate jurisdiction of the Upper House?

THE LORD ADVOCATE said, he had read the Report of the evidence which he gave before the Committee of the House of Lords last Session, he thought for the first time, not many days ago, and no doubt the views which he there found expressed were those he entertained at the time, and he had no hesitation whatever in informing the hon. Member for Peterborough (Mr. Whalley) that they quite tallied with and represented the opinions that he entertained now. He had not in any respect changed his opinions. If the question was as to maintaining the appellate jurisdiction of the House of Lords for the three kingdoms, he, speaking his own sentiments, and chiefly from a Scotch point of view,

repeated the opinion which he expressed before the Committee of the House of Lords. But it must be manifest that the question to which he was now referring was not that which they had to consider there. The House of Lords by passing this Bill had determined so far as they were concerned that their House should no longer remain a Court of Appeal for the three kingdoms. They had resolved that they should no longer exercise appellate jurisdiction with reference to this country of England. It had been announced to them on authorities which he did not for a moment think of questioning, that the opinion of the Irish Bench and Irish Bar, and, so far as could be ascertained, the opinion of the people of Ireland, was, that if the House of Lords should cease to exercise appellate jurisdiction with reference to England, it was no longer desirable that appeals from Ireland should be sent to that House. Now, considering the matter had thus so entirely changed, he confessed that, for his own part, he was of opinion—and he thought that opinion was entirely consistent with what he said before the Committee of the House of Lords—that it was not desirable to retain the appellate jurisdiction of the House of Lords for Scotland only. There were many reasons which might be assigned for the change of opinion, or rather, he should say, for the different conclusions one arrived at, in consequence of the very material change in the circumstances. In the first place, it was very manifest that if they withdrew the appellate jurisdiction of the House of Lords with reference to England, they altered the character of the House in its judicial capacity very materially indeed, not only in the estimate of the country—although that was a great deal—but in truth and in reality. In the second place, it had always appeared to him to be of very great importance that they should have one Imperial Court of Appeal, to entertain in the last resort causes not from Scotland alone, which would be the case if English and Irish appeals were withdrawn from the House of Lords—not for Ireland alone, not for Scotland and Ireland together; not for England alone; but an Imperial Court exercising the supreme jurisdiction in the last resort for the three kingdoms and the colonies.

Dr. BALL said, the difficulties found in constituting the new Court went far to support the wisdom of the view originally entertained by the Lord Advocate. If we had retained the House of Lords as the ultimate tribunal of appeal—which he believed the Irish legal Members wished to do—these difficulties would not have arisen. For his own part, he would never abandon the opinion he had expressed from the commencement, that the Appellate Tribunal would have been most efficiently re-constituted by a re-construction and re-formation of the Lords themselves as a final Court of Appeal.

Mr. GORDON said, it was not always that the Lord Advocate and he concurred in the same views; but they certainly did concur last year in holding that the very best Appellate Court for Scotland would be the House of Lords. He quite admitted that the right hon. and learned Gentleman was entitled to say that the circumstances had been changed, and that he might now come to a different conclusion. But, at the same time, he (Mr. Gordon) ventured still to think that it was desirable to retain the House of Lords as the ultimate appellate jurisdiction for the three kingdoms, and he did not give up the hope that the Committee might yet come to that conclusion. It was admitted that the question of the appellate jurisdiction as constituted, or intended to be constituted, under this Bill, was attended with very great difficulties indeed, and it was certainly from no unwillingness that this measure should pass that he threw out the suggestion that it would be well to excise from this Bill all the different clauses which related to the appellate jurisdiction, leaving that matter for further consideration; because, so far as regarded Scotland, for instance, it was only that day that the proposed changes had been placed upon the Notice Paper. Speaking as a Scotchman, he still entertained the opinion he expressed in 1872. He did not know what was the opinion of the profession of which he had the honour to be a representative, nor did he know the opinion of the Bench with reference to the proposed change, and he would not press the point further, because he understood that these changes would not be moved in this Committee, and that the Bill would afterwards be re-committed for that purpose. If there was one prin-

ciple more dangerous than another in the constitution of a Court of Appeal, it was to have three or two concurrent Courts of Appeal sitting, which might lead to different decisions. His hon. and learned Friend the Solicitor General said they should have a sufficiently numerous Court of Appeal. But the greater the number the greater weight it gave to his objection. What he objected to was that the body being so numerous they could not expect it to be a select body. A great advantage in the House of Lords was that they got the highest legal intellects sitting there as a Court of ultimate resort. Another great advantage was that they had not only the highest intellect sitting on the judicial Bench, but they had also the highest legal and forensic ability applied to the arguments submitted to that Bench. He ventured to say that it was an advantage to have the highest forensic opinion addressed to the pleading of a case, and that it was better it should be removed out of the groove into which too often the junior members of the Bar—those who did not occupy the highest position—were apt to lead it. Because, observe what was now proposed to be done. They were obliged to have a numerous Court of Appeal—18 Judges or more. For what purpose? In order to dispose of some 300 or 400 appeals. The Judges would therefore be employed in the adjudication of points which would not be of great legal importance; whereas in the case of an ultimate appeal to the House of Lords, the appeal related only to a limited number of cases—limited as regarded generally the importance of the interest at stake, or with reference to the general interests involved in the point of law which came before the Court. It was of importance not only to the individual concerned that they should have but one Court of final decision; but it was of importance to the law, and if it was important to the law, it must be of importance to the litigants. Therefore, he ventured to think that the Government was not adopting a right course in making what were now called those intermediate appeals final appeals, and thereby shutting out the final decision of the supreme appeal Court, which had hitherto discharged its duties with satisfaction.

MR. VERNON HARCOURT said, the Committee were now discussing what was discussed on the second reading—namely, the propriety of abolishing the appellate jurisdiction of the House of Lords. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who often gave the House new reasons, had given that night this as a new reason for the abolition of the appellate jurisdiction of the House of Lords—that as intermediate appeals were to be abolished the number of appeals to the Appellate Tribunal would thereby be greatly increased and the House of Lords could not undertake to deal with that increase of Appeals. As the Committee had agreed that in the case of England the House of Lords' jurisdiction should be transferred to a new Tribunal, and it was agreed that that new Tribunal should also deal with appeals from Ireland and Scotland, it was idle now to ask for the postponement of the Bill in order that the question about Scotch appeals might be further considered.

MR. WHALLEY appealed to the Government to yield to the arguments which had been advanced in favour of postponing the clause so as to give time, even if it were until next Session of Parliament, for calm and careful consideration of a subject which contemplated such important changes in the present system of administering justice.

MR. SPENCER WALPOLE said, he would withdraw his Motion for the postponement of the clause.

Motion, by leave, *withdrawn*.

MR. BOURKE moved, in page 3, line 5, to leave out "five ex officio Judges thereof, and also." He did so upon the authority of Lord Campbell, who had said it was wholly incompatible with the duties of the Chiefs of the various Courts to render any assistance in hearing appeals.

THE ATTORNEY GENERAL opposed the Amendment, and said, with respect to one of those Judges—the Lord Chancellor—it would be impossible to strike him out as one of the *ex officio* Judges, he having been always accustomed to hear appeals. [Mr. BOURKE: Then I except the Lord Chancellor.] He (the Attorney General) did not understand why the heads of the various Courts should not sit in the Court of Appeal

when they had the opportunity of doing so. Almost invariably one of the Chiefs presided in the Court of Exchequer Chamber, and the present Lord Chief Baron attended occasionally in the Privy Council and had this week been present at the sittings of the House of Lords. These distinguished functionaries ought certainly not to be extruded by statute from the Appeal Court, to which, when they could attend it, they would contribute both dignity and weight. He hoped the hon. Member would not press his Amendment.

MR. STAVELEY HILL supported the Amendment. The argument that the Chiefs sit in the Exchequer Chamber did not apply in this case. The constitution of the Exchequer Chamber was the Judges of two Courts sitting on the judgments of the third Court. It was necessary in that case that the judicial strength should be as great as possible. Without mentioning personal instances, or the present Chiefs, it was well known that the heads of the respective Courts, though quite able to keep their own Courts in order, were often selected for political quite as much as for legal eminence, and were not the best fitted to serve in the Court of Appeal. It was also better to keep that Court distinct from the Court below, so that a case on appeal might be *res integra* presented to new minds.

MR. OSBORNE MORGAN said, he could not concur with the hon. Member who had moved the Amendment, nor with the hon. and learned Member who supported it. In his opinion, the Chief Judges of the Common Law Courts, and the Judges of the Equity Courts named in the Bill, would be a great source of strength to the High Court of Appeal.

DR. BALL, while appealing to his hon. and learned Friend (Mr. Bourke) to withdraw the Amendment, expressed great doubt in regard to the attendance of these *ex officio* Judges, and hoped the hon. and learned Attorney General might see fit to strengthen that part of the Appeal Court which was composed of the Ordinary Judges.

MR. BOURKE, yielding to the reasons given against his proposal, said, he would not put the Committee to the trouble of dividing, and, with the permission of the Committee he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. RAIKES said, he had an Amendment upon the Paper in reference to the number of the Judges which it was proposed should constitute the High Court of Appeal; but as his hon. and learned Friend (Mr. Matthews) had a similar Amendment, he would give way to him, and would not press his own Amendment on the consideration of the Committee.

MR. MATTHEWS moved, in page 3, line 6, to leave out "nine," and insert "six" Judges, of whom to constitute the High Court of Appeal. What was wanted was a Court sufficiently numerous to sit in two Divisions, and not too numerous to sit as one Court. He was not committed to any particular number, but thought that nine, as fixed in the Bill, was too many. Further, he could not see any advantage or strength to be gained by selecting paid members of the Judicial Committee of the Privy Council to form part of the Judicial Bench of the High Court of Appeal. Did the Government think it would be satisfactory to the country to take away the ex-Indian Judges, who thoroughly understood the difficulties of Indian law, to act as Judges in the High Court of Appeal? He deprecated the addition of four paid members of the Judicial Committee of Privy Council to the Appellate Tribunal. An effect of such appointments would be to lower the salaries of the other Judges. What they wanted was to get Equity and Common Law Judges in the composition of the tribunal.

Amendment *negatived*.

MR. MATTHEWS moved, in line 12, after "Chancery," to leave out to "1871" in line 14, the object being to exclude the salaried Judges of the Judicial Committee of the Privy Council from being members of the new Court of Appeal.

Amendment proposed, in page 3, line 12, to leave out from the words "the existing Judges," to "1871," in line 14. — (Mr. Matthews.)

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*: — Ayes 62; Noes 12: Majority 50.

MR. OSBORNE MORGAN said, he had given Notice of an Amendment which he did not mean to press; but he must express his deep disappointment at

the course pursued by the Government in regard to the Equity element in the new Appellate Tribunal and in the Court of First Instance, and also his belief that their niggardly and penurious mode of starting a great scheme would cause it very soon to break down.

THE SOLICITOR GENERAL (for the ATTORNEY GENERAL) moved in page 3, line 14, to leave out from after "three" and insert

"other persons as Her Majesty may be pleased to appoint by letters patent, such appointment may be made either before or after the time appointed for the commencement of this Act, but if made before shall take effect at the commencement of this Act."

*Amendment agreed to.*

MR. MATTHEWS moved the omission of the words from line 21 to 35 enabling the Queen to appoint as additional Judges of the Court of Appeal persons qualified by statute to be members of the Judicial Committee of the Privy Council, or who having acted in Scotland as Lord Justice General or Lord Justice Clerk, or in Ireland as Lord Chancellor or Lord Justice of Appeal, should signify their willingness to serve.

THE SOLICITOR GENERAL opposed the Amendment. There were, no doubt, Judges in Scotland and Ireland who would follow the example of a very distinguished ex-Lord Chancellor of Ireland—Sir Joseph Napier—who constantly served as a member of the Privy Council.

MR. GORDON regarded the terms upon which the English and Irish Judges were empowered to give their gratuitous services in the Court of Appeal—namely, that they should not thereby prejudice their right to receive a pension as being one of the coolest conditions ever inserted in a Bill.

*Amendment negatived.*

THE SOLICITOR GENERAL proposed the addition to the clause of the following words—

"Every such additional Judge who shall have been a Lord Chancellor hereafter for the first time appointed to that office, shall be deemed to have undertaken the duty to serve as such additional Judge until he shall have served as Judge for the period of fifteen years in the whole in all or any of the following offices (that is to say): Lord Chancellor, a Judge of any of the Courts of Chancery, Queen's Bench, Common Pleas, Exchequer, Probate, High Court of Justice or Court of Appeal."

*Mr. Osborne Morgan*

The object of the Amendment was to place future Lord Chancellors on the same footing in respect of pension as the Common Law Judges. This was important, as, if a time arrived when changes of Ministry were frequent, they might have several comparatively young ex-Lord Chancellors, and under the Bill as he sought to amend it, the country would not lose the benefit of their services. He trusted that this Amendment would receive the favourable consideration of the Committee.

MR. JAMES confessed he did not understand the Amendment. He presumed, in the first place, that no present or ex-Lord Chancellor would be affected by it. [The SOLICITOR GENERAL assented.] He agreed with the principle that a Lord Chancellor, who was usually appointed for only a short time, ought to give his services to the country; but the clause seemed to be hastily drawn. "Until" seemed to refer to the future; but ought it not to read "unless he shall have served?"

THE SOLICITOR GENERAL said, he was quite willing that the words should be "unless and until." If any other words could be suggested on the Report he should be quite ready to consider them.

SIR RICHARD BAGGALLAY trusted that the Committee would not adopt an Amendment which would put an indignity upon the person called upon to fill one of the highest—if not the highest—office in the State. The effect of this Amendment and a subsequent clause would be to make it imperative upon every Lord Chancellor to bind himself when he went out of office to serve as a junior Judge in the Court of Appeal, over which he formerly presided, until he had made up the period of 15 years, or else to forfeit his pension. Now, the position of Lord Chancellor was very different from that of an ordinary Judge, and the effect of the Amendment would be that it would be no longer sought after, as hitherto, by men of the highest eminence at the Bar.

MR. HENLEY asked whether there ought not to be some limit as to age. A Lord Chancellor might be appointed at 65, and was he to undertake to act as Judge of Appeal until he was 80? He doubted whether that would be a wise provision, because he could answer for it that people "wore out." ["No!"]

There ought to be some age at which a man might retire from a duty for which he was incompetent.

THE SOLICITOR GENERAL said, it had not been the practice in England to fix any age at which the Judge should retire. They performed their duties until they were disabled by infirmity. In the case put by the right hon. Gentleman the obligation would be upon the Judge to complete his term of 15 years unless he was prevented from sitting by "any reasonable impediment." If he were 80 years of age and his powers were failing, that would be a "reasonable impediment."

MR. CAWLEY observed, that as long as the Lord Chancellor was a political officer there was a marked difference between him and the other officers. He thought that the present proposal would be an indignity to the Lord Chancellor, and prevent the best men seeking that office.

MR. JAMES trusted that the Solicitor General would postpone the consideration of the Amendment.

MR. HINDE PALMER did not think it was desirable to make a bargain with a high officer like the Lord Chancellor; but he thought they should rather trust to his good feeling to voluntarily undertake the duties. He thought the suggestion to postpone the Amendment until Clause A. was reached was a valuable one.

THE ATTORNEY GENERAL said, that at present £5,000 a-year was granted to a Lord Chancellor on his retirement from office without any contract being made between him and the country. Therefore, there was no use in speaking of enforcing a contract where no contract existed. But it should be remembered that a Lord Chancellor was often appointed in the prime of life, and what the Government wished was that it should become a matter of positive obligation that upon his retirement from office he should give the country the benefit of his, perhaps, very valuable services. If therefore the Bill passed in its present shape, it would become a matter of contract that a Lord Chancellor, on his retirement, should serve on the Court of Appeal, and he did not see that there was any indignity whatever, or anything hurtful to the feelings of any eminent person in such a proposal.

MR. DISRAELI said, he thought the hon. and learned Gentleman had misunderstood the point before the Committee. The argument was not as to the feelings of certain eminent persons; what the Committee had to consider was the interest of the country. He (Mr. Disraeli) thought that it was not for the interest of the country that such an arrangement as the hon. and learned Gentleman described should take place. We called upon a man who was making a very large income at his profession to renounce it and take office, with all its responsibilities. That office might not last long, and he would have to calculate in what position he would find himself at the close of that career. Now, £5,000 a-year was not an extravagant estimate of what such a man was entitled to, or what he would have to lose by accepting office. If the State made hard bargains, men of commanding ability would refuse to take office, and it would have to be offered to men of secondary capacity, who would eagerly accept it. Before the Act introduced by Lord Brougham, Lord Chancellors on their retirement had £4,000 a-year, without any restriction or condition whatever, and when Lord Brougham increased the pension there was really no condition laid down, though in introducing the Bill he gave utterance to some vague and indefinite observations. What they ought to do was to give a Lord Chancellor retiring upon a pension the right if he chose to become a member of this Court; but to make his pension dependent upon his future services would be a most unwise step. There might be physical, mental, or moral circumstances which would make it undesirable that a person leaving a high political office should enter at all into professional service, and this proposition would make it a matter of necessity. He hoped the Committee would not sanction the Amendment.

MR. JAMES said, that the argument of the right hon. Gentleman furnished a strong reason for postponing the consideration of the present subject.

MR. GLADSTONE said, he thought it would be convenient to postpone this discussion till they came to Clause A, when the whole subject might be considered on its merits. The right hon. Gentleman (Mr. Disraeli) seemed to think that every retiring Chancellor if he had served a day in the office was entitled



to receive a pension of £5,000 a-year, without the obligation to perform any other judicial duty; and that at the time when they proposed to strip the House of Lords of all judicial duties. He entertained a very different opinion, and would contend that it was desirable to apply to Lord Chancellors the condition of this Amendment. In the meantime, however, it was desirable to postpone the Question.

Amendment, by leave, *withdrawn*.

Clause ordered to stand part of the Bill.

Clause 7 (Vacancies by resignations of Judges and effect of vacancies generally) *agreed to*.

Clause 8 (Qualifications of Judges. Not required to be Serjeants-at-Law).

Amendment proposed, in page 4, line 14, to leave out from the word "Provided" to the end of the Clause.—(*Mr. Matthews*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL said, he could not agree to the omission of the words. There was no reason for maintaining Serjeant's Inn. In reply to remarks which had been made, he would say that Judges were not "visitors" of the Inns in the ordinary sense of the word; they had no original or initial jurisdiction, they had an appellate jurisdiction in the matter of discipline only. In respect to finances they were perfectly powerless, and had no control. In the single instance of the discipline committed to the benchers over the members of the Bar, there was an appeal to the Common Law Judges, and to them only. He did not apprehend any inconvenience from Judges having to sit in appeals upon the conduct of different Inns of Court. Of course, a gentleman belonging to any one Inn would not sit as Judge in an appeal upon the conduct of that Inn.

MR. SERJEANT SIMON, as a member of the ancient and honourable order which was attacked by the Proviso before the Committee, protested against the proposal contained in the clause. A Serjeant-at-Law could take a brief from any person; whereas a Queen's Counsel could not, unless he had the licence

*Mr. Gladstone*

of the Crown to do so. The Serjeants were the ancient and legitimate leaders of the Bar, the persons who were essentially the people's counsel, and whose creation was quite independent of anything like political or party influence. He strongly objected to the certain extinction of the order, which would be effected by an enactment to the effect that in future it should not be necessary for barristers to become members of Serjeant's Inn before ascending the Bench.

Question put.

The Committee *divided*:—Ayes 85; Noes 39: Majority 46.

Clause *agreed to*.

Clauses 9 to 11, inclusive, *agreed to*.

Clause 12 (Provisions for extraordinary duties of Judges of the former Courts).

MR. MATTHEWS moved in page 6, line 12, after "year," to insert—

"Provided always, That the expenses of the Judges who may be commissioned to go circuits as hereinafter provided shall be borne and paid in like manner as the expenses of the Judges who go the winter circuit are now borne and paid."

By the Bill all the members of the High Court of Justice were put on the same footing at £5,000 a-year; but while the Common Law Judges had to go on circuit at considerable expense, the existing Vice Chancellors did not; he thought that they ought to have their expenses allowed them the same as the Judges who went on winter circuit.

THE CHAIRMAN ruled that the Amendment related to a red letter clause, which was to be moved as a new clause.

Clause *agreed to*.

## PART II.

### *Jurisdiction and Law.*

Clause 13 (Jurisdiction of High Court of Justice).

MR. OSBORNE MORGAN moved in line 30, after "Commissioners," to insert—

"13. The Court of Chancery of the County Palatine of Lancaster.

"14. The Court of Chancery of the County Palatine of Durham."

THE SOLICITOR GENERAL said, the hon. and learned Member was not in his place when the matter was dis-

cussed previously, and explained that his object would be attained by an Amendment of Clause 22, from which would be eliminated words that restricted the changes to be made in the administration of the law to the newly-constituted Courts. By striking out the names of those Courts the administration of the law would extend to the two Chancery Courts of the Counties Palatine. They had not the remotest intention of abolishing the Court of Chancery of the County Palatine of Lancaster—a very good Court, and one they could not attempt to take away without having the people of Lancashire fairly up in arms against them.

MR. ASSHETON CROSS said, he was glad to hear the Solicitor General's admission as to the character of the Court of Chancery of the County Palatine, which was one of the very best possible tribunals in the whole kingdom. He might add that the Court of Common Pleas of the County Palatine had become just as popular as the Court of Chancery; and the same argument applied to both of those tribunals.

MR. OSBORNE MORGAN said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. ASSHETON CROSS then proposed to omit in line 26 the words "The Court of Common Pleas of the County Palatine of Lancaster," observing that the popularity of the Government in Lancashire was not great, and it certainly would not be increased if they destroyed the Court of Common Pleas there. There was a great desire in Lancashire to know whether, under the Bill, the Assizes would be held there more frequently.

Amendment proposed, in page 7, line 26, to leave out the words "the Court of Common Pleas at Lancaster."—(*Mr. Cross.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. WEST said, he could not support the Amendment, because he believed that Bill not only continued the benefits conferred by the Court of Common Pleas in the County Palatine of Lancaster, but would extend them to all

the other great and populous parts of the country.

MR. SERJEANT SIMON opposed the Amendment, and said, the existence of the Court of Common Pleas at Lancaster did not in any way benefit the suitors. It ought not to be withdrawn from the operation of the Bill.

MR. ASSHETON CROSS observed that the question was not one for lawyers but for suitors, and they were in favour of the retention of the Courts. Every case tried in the Court of Common Pleas cost the suitor £10 or £12 less than the cases tried in the other superior Courts.

MR. HINDE PALMER said, he could not support the Amendment, as the Court was merely a nominal one, and the machinery which was the valuable part of it, would be continued under other provisions of the Bill.

MR. CAWLEY said, that he would agree to the clause if it were shown that the advantages which Lancashire derived from the existence of this Court would not be taken away, but really extended to other parts of the kingdom.

THE ATTORNEY GENERAL agreed with the hon. Gentleman opposite (*Mr. Cross*), that the question was one rather for suitors than lawyers. There was no intention on the part of the framers of the Bill to interfere in the slightest degree with the benefits which this Court conferred. The whole jurisdiction of the Court would be exercised as it was at present, except that it would be exercised by Judges of the High Court sent as Commissioners of Assize. All the local advantages arising from the machinery of the Court would be preserved by other clauses in the Bill.

MR. ASSHETON CROSS said, the Judges did not try causes in the Court of Common Pleas at Lancaster as Judges of the Court, but by virtue of the Commission under which the Assizes were held. The position of the attorneys practising in the Court was peculiar, and, if the Court were abolished they would be entitled to compensation. Had that question been considered? He did not want to leave the case of Lancaster dependent on the chance of passing provisions, which would confer on other counties advantages corresponding to those which Lancaster derived from its local Court, because such provisions would threaten the agency business of the

London attorneys, and therefore might be successfully opposed by them.

THE ATTORNEY GENERAL said, the case of the attorneys practising in the Court of Lancaster was worthy of consideration and should have it.

Question put.

The Committee divided:—Ayes 129; Noes 95: Majority 34.

Clause ordered to stand part of the Bill.

Clauses 14 to 16, inclusive, agreed to.

Clause 17 (No appeal from High Court or Court of Appeal to House of Lords, or Judicial Committee).

SIR RICHARD BAGGALLAY moved to postpone the consideration of the clause. The question whether the jurisdiction of the House of Lords should be immediately abolished must, he argued, mainly depend on the constitution of the new Court of Appeal, and the way in which its functions were to be exercised. He had on the Notice Paper a Motion for the omission of the clause altogether, and he had three reasons for giving that Notice; his first and chief reason was that the jurisdiction of the House of Lords as a Court of Final Appeal for English causes ought not to be abolished whilst it was retained for Scotch and Irish causes. As originally constituted, the Bill applied only to England; but the Government had since accepted the proposal of the right hon. Member for Kilmarnock (Mr. Bouverie), making it applicable to Scotland and Ireland also; his first objection to the clause was consequently removed. His second reason was that, in many cases it was desirable to have the means of rehearing an appeal. The Bill at present contained no provision for a rehearing, but there were several Notices on the Paper of Amendments to effect that purpose; should no such provision be inserted in the Bill it would be undesirable to part with the existing right of rehearing by the House of Lords. His third reason for objecting to the clause was that it was expedient to retain the present jurisdiction of the House of Lords until there was a reasonable certainty that the proposed Court of Appeal would work well. For the present, however, he would content himself with moving the postponement of the consideration of the clause.

Mr. Assheton Cross

Motion made, and Question proposed, "That Clause 17 be postponed."—(Sir Richard Baggallay.)

THE ATTORNEY GENERAL said, he understood the hon. and learned Gentleman wished this clause to be postponed upon three grounds. With the first ground for postponement he need not trouble himself, because it was admitted that it had disappeared, it having been admitted on the Motion of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) that the three kingdoms should have the same Court to which their final appeals should be presented. The second ground which the hon. and learned Gentleman urged for postponement he could not help thinking was peculiar. The hon. and learned Gentleman wished to preserve the means of having an appeal, before the final Court was applied to; but one of the objects of the Bill was to prevent any appeal to an intermediate tribunal. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had admitted that it was desirable to abolish the Intermediate Courts of Appeal. The third ground upon which the hon. and learned Gentleman asked for a postponement of this clause was still more curious—namely, that it should be postponed until it was seen how, by the later clauses, this jurisdiction was to be exercised. He (the Attorney General) should have thought it was plain that the Committee should make up their mind in the first instance whether or not they would transfer *en bloc* this jurisdiction, and that the next question they should deal with was the question how that jurisdiction should be exercised in various circumstances. For some 100 years there had been two co-ordinate Courts of Appeal in this country, yet there had been no conflicting decisions; and, therefore, though there was a metaphysical possibility of such a conflict, as practical men the objection was hardly worth considering. He would urge upon the hon. and learned Gentleman to act upon the principle of common sense, and be guided by experience. The question of maintaining the jurisdiction of the House of Lords had already been discussed, and he hoped that, for the saving of public time, the decision already given by the House would be accepted.

**MR. NEWDEGATE:** As the hon. and learned Gentleman the Attorney General has made an appeal to men of common sense, perhaps I may be allowed, as one not learned in the law, to make a few remarks. The hon. and learned Gentleman says, that inasmuch as this House has passed the second reading of the Bill, we are not at liberty again to consider the propriety of abolishing the appellate jurisdiction of the House of Lords. But when the House agreed to the second reading of the Bill, it constituted a Court of Appeal for England only, and since the House passed the second reading it has been decided that the final Court of Appeal this Bill would create, shall extend its jurisdiction to Ireland and Scotland, and include Scotch and Irish Judges. Now, although Englishmen may have such confidence in their own Bar and their own Judges as to be perfectly content with the Court of Appeal first constituted, however much they may regret to see the appellate jurisdiction of the House of Lords abandoned, the Court of Appeal which we are now considering is an indefinite quantity, inasmuch as we do not know exactly what additions are to be made to that Court. With respect to the addition of the Scotch Judges, much as I respect their learning and judgment, when they are concerned in the administration of the law of their own country, I have always heard that the Scotch law is different from the law of England; and although Scotch Judges have sometimes, when Peers attended in the House of Lords to adjudicate upon English appeals, I have heard grave complaints of English causes being judged by Scotch Judges. Then, with regard to the Irish Judges, it is idle to attempt to conceal the fact that influences are operative in the appointment to the highest judicial offices in that country, which, happily, are not operative in England. We know that scenes have occurred in the Court of Chancery in Ireland such as have never been known to occur in the Court of Chancery in England; and the addition of Irish Judges if made to the new Court, will tend to shake the public confidence in that Court, which confidence, if it exists at all, is a confidence of wonderfully recent growth. There is another moot point. The only argument which has been used for the abolition of

the jurisdiction of the House of Lords is, that the House of Lords itself has upon the application of Her Majesty's Government given it up. I have asked several Peers whether they knew the real reasons adduced in favour of the appellate jurisdiction being abandoned. No one single Peer has been able to give me a satisfactory reason in answer to that question. I was told that when the Bill got into Committee the jurisdiction was given up; but no Peer to whom I have spoken on the subject has been able to inform me why it was given up. I entertain the greatest objection to this proposal, which appears to have been carried by misfeasance, and for this reason. I have the highest respect for the Judicial Bench; but the historical examples in this country of Courts of Final Jurisdiction not amenable to Parliament, and not connected with the House of Lords, are not favourable. Judges are excellent persons, no doubt; but they are all the better where they have that increased sense of responsibility which connection with one of the Houses of Parliament entails. There is historical evidence of the abuses which are recorded against the Court of High Commission in the times of the Stuarts, and that although there were from 26 to 42 Judges in the Star Chamber, it likewise closed its career in disgrace. Such are the examples that we have of Final Courts of Appeal separated from the House of Lords! I hold another, and it may be an erroneous, opinion; but I hold this—that the Courts connected with such a body as the House of Lords gain, from daily association, an amount of practical knowledge, and a sense of the responsibility constantly incumbent upon them, that are not possessed in the same degree by any Court which is separated altogether from the Upper House of the Legislature. It may be said that this is an old-fashioned objection. Nevertheless, it is a practical one, and comes home to the common sense of the people of this country. Although this House seems inclined to proceed so jauntily with the Bill, I am convinced that the country is not prepared for the great change which is now proposed. I am confident that the country looked forward to another alternative, and it was this—that the learned persons who are to constitute the Court of Appeal, as now proposed, should be made life Peers. That

measure was proposed by Lord Russell. It was sanctioned by the late Lord Derby, and has the highest authority in its favour. ["No, no!"] Yes, I say that it was sanctioned by the late Lord Derby, for, although he voted against the creation of life Peerages, not limited to Judges, his speech stands on record, and uncontradicted by himself, that, had the limitation to Judges, who should assist the appellate jurisdiction of the House of Lords, been proposed, that proposal would have received the cordial assent of the late Lord Derby, as it had the advocacy of Lord Russell, the recommendation of Lord Granville, and the assent of a large proportion of the House of Lords. All such considerations as these may seem slight to lawyers entirely occupied with the technical procedure of the Courts, and who do not trouble themselves to regard the constitutional questions which are involved; but we, who represent those, who are to be the suitors and the subjects of the jurisdiction of this new Court, whose fortunes and whose fate are to be finally decided by this Court of Appeal, look more gravely into these questions; and I am grateful to the hon. and learned Gentleman (Sir Richard Bagge) who has proposed the further consideration of this subject, and should he divide the House, either in favour of the postponement or the rejection of this clause, he shall have my hearty support.

Question put.

The Committee divided:—Ayes 107; Noes 145: Majority 38.

Question proposed, "That the Clause stand part of the Bill."

MR. CAVENDISH BENTINCK moved to report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Cavendish Bentinck.*)

The Committee divided:—Ayes 98; Noes 149: Majority 51.

MR. CHARLEY moved that the Chairman do now leave the Chair.

MR. GATHORNE HARDY said, he hoped his hon. and learned Friend would not press the Motion. The Committee had already divided, and the clause was now in such a position that the Govern-

ment might fairly ask that they come to a decision upon it.

MR. CAVENDISH BENTINCK explained that had he known the opinion of his right hon. Friend he would not have put the Committee to the trouble of dividing, and he begged to apologize for having done so.

Motion, by leave, *withdrawn*.

Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 154; Noes 93: Majority 61.

Clause ordered to stand part of the Bill.

THE ATTORNEY GENERAL moved that the Chairman do report Progress.

Motion agreed to.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

#### TURNPIKE ACTS CONTINUANCE, &c.,

BILL—[BILL 199.]

(*Mr. Hibbert, Mr. Stansfeld.*)

#### COMMITTEE.

Order for Committee read.

LORD GEORGE CAVENDISH moved an Instruction for rendering compulsory in England and Wales the Highway Acts of 1862 and 1864. He might inform the House that turnpike trusts were falling in every day, and it was therefore a proper time to remove the injustice that now existed and place the charge for the repair of highways on a larger area; and, at all events, he hoped the Chancellor of the Exchequer would appropriate the carriage and licence duty to defray the repairs of the public roads.

Motion made, and Question proposed,

"That it be an Instruction to the Committee to make provision for rendering compulsory in England and Wales the Highway Acts 1862 and 1864."—(*Lord George Cavendish.*)

SIR MICHAEL HICKS-BEACH said, he had always objected on principle to permissive legislation of the kind contained in the Highway Act, for by such legislation the House shirked its own responsibility and placed an unpopular duty on the shoulders of others. At the same time, he was not prepared to support the Motion of the noble Lord to make the Highway Act compulsory, for that Act had not worked so satisfactorily as it was

*Mr. Newdegate*

at first hoped it would, and it ought not to be made compulsory throughout the country without any attempt being made to remedy its acknowledged defects. He understood the Government were about to assent to the proposal; but he was certain that such an attempt to force an imperfect Highway Act upon those numerous places which had not yet adopted it would be most unpopular.

MR. COLLINS remarked that the whole of our highway legislation had been completely changed by throwing the maintenance of turnpikes on the parishes. Now that hon. Members had the opportunity, they ought to make turnpike roads, which were not parochial roads, a charge upon the district. He hoped the House would accept the Instruction of the noble Lord the Member for North Derbyshire.

COLONEL BARTTELOT protested against a measure of this importance being proceeded with at so late an hour in the morning. If the Government were going to assent to this Instruction, he would use every means in his power to resist the progress of this Bill, and he now begged to move the adjournment of the debate.

VISCOUNT GALWAY opposed the Instruction to the Committee, and seconded the Motion for adjournment.

MR. HIBBERT said, the position in which parishes were placed by the discontinuance of turnpikes rendered it necessary that some better arrangement should be made. It was the intention of the Local Government Board to have dealt with the subject of turnpikes and highways this Session, but they had not had the opportunity of doing so; and therefore they would, as a step in the right direction, support the Instruction of the noble Lord the Member for North Derbyshire. He would not, however, oppose the adjournment of the debate. The time had come when it was impossible to continue the roads under parish management.

SIR GEORGE JENKINSON expressed his regret at the Government having consented to an adjournment of the debate, which he regarded as tantamount to throwing over the noble Lord's proposition altogether for the present Session. There was no necessity for such a course, as all that was asked was that that should be made compulsory which should never have been made per-

missive. All permissive legislation was unsatisfactory, and led to confusion.

LORD GEORGE CAVENDISH said, he had not the least wish to press the proposal against the feeling of the House, or to snatch a division upon it. He thought that if there was to be an adjournment it had better take place at once.

SIR MICHAEL HICKS-BEACH was sure the noble Lord had no desire to steal a march upon the House.

MR. ASSHETON CROSS said, he thought that this was a matter of which the country ought to have full notice, and he would suggest that the Government should embody the propositions of the noble Lord in a Bill with any Amendments of their own.

MR. BRUCE said, he could not undertake that the Government would introduce a measure of their own for that purpose.

*Motion agreed to.*

Debate adjourned till *Monday* next.

#### EXTRADITION ACT (1870) AMENDMENT BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to amend "The Extradition Act, 1870," ordered to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

Bill presented, and read the first time. [Bill 220.]

House adjourned at half  
after One o'clock.

### HOUSE OF LORDS,

*Friday, 4th July, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Blackwater Bridge\* (187).

*Second Reading*—Law Agents (Scotland) (163).

*Report*—Shrewsbury and Harrow Schools Property\* (140).

*Third Reading*—Thames Embankment (Land)\* (179), and passed.

#### JUDICIAL PEERAGES.

##### MOTION FOR AN ADDRESS.

LORD REDESDALE, in rising to move—

"That an humble Address be presented to Her Majesty, praying that for the advantage of this House and of the suitors thereto, and for the honour of the legal profession, Her Majesty will be pleased to sanction the erection of the offices of Lord High Chancellor, Lord Chief Justice of

the Queen's Bench, Lord Chief Justice of the Common Pleas, and Lord Chief Baron of the Exchequer of England into Baronies which shall entitle the holders of those offices to writs of summons to Parliament by tenure thereof under such titles as Her Majesty shall in each case be pleased to summon them; and that such writs of summons as aforesaid shall make the persons receiving the same, although they may not continue to hold the said offices, Peers of Parliament for life, without remainder to the heirs of their bodies; and that in the event of Her Majesty being pleased at any time after such writ shall have been issued to create the person sitting under the same a baron by patent under the same title, with remainder to the heirs male of his body, the barony so created may, if Her Majesty shall be so pleased, take precedence from the date of the first writ of summons directed to such person,"

said, he would remind their Lordships that 22 years ago—namely on the 15th of June 1851—he gave Notice of a Motion of a precisely similar nature to that which he was now submitting to their Lordships; but meeting with no encouragement at the time he had abstained from bringing it forward. He made that observation for the purpose of making their Lordships aware of the fact of his having entertained his present opinions on the subject for so long a time, and because he thought it ought not to be treated as a party question. From that time forward he had always held a decided opinion upon the subject, which was that he strongly objected to life Peerages. What he always advocated, and what he now advocated, was official Peerages—Peerages which would be granted on account of the high office a person might hold, and on the consideration that the presence of such a person in their Lordships' House would be a matter of great advantage to them. He believed that those Peerages could be created quite irrespective of party consideration, and the result would be a deserved honour on the Gentlemen whom his Motion included, and a great gain to the legislative resources of that House. They were no novelty, for the Church had from the earliest period been represented in the House in that way, and the Church being no more closely allied to the State than to the Law, it would be equally advantageous for the Law also to be represented. In 1856, the question of life Peerages was for the first time brought under their Lordships' consideration in the case of Lord Wensleydale, and their Lordships very properly resisted the attempt that was

made to introduce life Peerages. He approved that decision, for an unlimited introduction of life Peers would have been fatal to their Lordships' independence. Lord Russell's Bill four years ago sought to avoid that objection by restrictions on the number and modes of creation. The Select Committee on the Appellate Jurisdiction which was appointed after that decision recommended the strengthening of the legal element by the appointment of Deputy Speakers, paid officers of high character with life Peerages; but the Bill founded thereon, after passing through that House and passing a second reading in the other, with the support of Lord Palmerston and the present Lord Chancellor, fell through, owing to the lateness of the Session, and to objections to the creation of new paid officers of that House. The official Peerages which he now proposed would be held by men with salaries enabling them to sustain the position, and he had included the Lord Chancellor; for in many instances persons who had accepted the office with an hereditary Peerage would have preferred on their appointment, in consideration of a large family and small means, a Peerage for life. Life Peerages unconnected with office would give no security that the House would be benefited, and were therefore objectionable. It might be asked whether he would have any objection to an extension of the principle upon which his proposition was based. He was prepared to do so to some extent. For instance, he should be willing to extend his Motion to the holder of any high office in Scotland whose attendance in Parliament would not be incompatible with his other duties; for the House had derived much assistance from his noble and learned Friend (Lord Colonsay), who was conversant with Scotch matters; but the office of Lord Keeper of the Great Seal in Scotland was at present not connected with the Law. Men qualified by holding high legal offices would be a valuable addition to the House, and that the more so from the fact that it was proposed to include Scotch and Irish Appeals in the operation of the Supreme Court of Judicature Bill. As to colonial Governors, whom Lord Russell's Bill proposed to admit, nobody denied the advantage of their being Members of that House, and giving information on

colonial subjects; but the number of the Peerage rendered it easy to find Peers willing to accept colonial Governorships, and it would be undesirable both for the colonies and for that House that there should be any notion of sending out Commoners in order to qualify them for Peerages. It might lead to persons equally qualified, but already Peers, being passed over. The Bill also proposed the admission of persons who had sat 10 years in the other House; but many hon. Gentlemen sat there on account merely of their wealth and desire for social position, and it was not ordinary men whose admission here was desirable. He attached no weight to the objection that the Chief Judges would have no time to assist in Parliamentary business, especially as, if the Judicature Bill passed, they would become Appellate Judges exclusively. After the charges preferred from the Bench against Parliament of careless legislation, it might be an advantage to have the Chief Judges in the House, responsible in some degree for what was done, and there could be no constitutional objection, for Chief Justices had always been deemed eligible for Peerages, and had sometimes held them. He was anxious to keep such Peerages free from any stamp of inferiority, and he proposed that the wives and children of such Peers should have the same rank as those of hereditary Peers; as, also, that if an hereditary Peerage with the same title was afterwards granted, it should date from the patent of life Peerage. Above all, the honour should lie in the office and not in the Peerage, as was the case with members of the Episcopal bench. In conclusion, believing that what he proposed would add great weight and value to the deliberations and decisions of that House, and that the plan he had hit upon for carrying that proposition out was the best that could be adopted, he recommended it to the favourable consideration of the House.

*Moved* that an humble Address be presented to Her Majesty, praying that for the advantage of this House and of the suitors thereto, and for the honour of the legal profession, Her Majesty will be pleased to sanction the erection of the offices of Lord High Chancellor, Lord Chief Justice of the Queen's Bench, Lord Chief Justice of the Common Pleas, and Lord Chief Baron of the Exchequer of England into Baronies which shall entitle the holders of those offices to

write of summons to Parliament by tenure thereof under such titles as Her Majesty shall in each case be pleased to summon them; and that such writs of summons as aforesaid shall make the persons receiving the same, although they may not continue to hold the said offices, Peers of Parliament for life, without remainder to the heirs of their bodies; and that in the event of Her Majesty being pleased at any time after such writ shall have been issued to create the person sitting under the same a baron by patent under the same title, with remainder to the heirs male of his body, the barony so created may, if Her Majesty shall be so pleased, take precedence from the date of the first writ of summons directed to such person.—(*The Lord Roddendale.*)

LORD DENMAN said, he could not concur in the proposals of the noble Lord. He thought it was not the time for such a change, and that whatever advantages it might confer upon the House could be just as well obtained without it. The Judges were always ready to assist in the appellate jurisdiction of the House; and in his opinion it would be a very equivocal honour to confer upon them to place them in a social position which they did not covet, and which in many instances might be beyond their means. He hoped the Motion would not be adopted. It was inopportune to submit it when the Judicature Bill was altering everything, and itself being daily altered. Lord Hatherley, in 1856, declined a Peerage, and it would be awkward if, after the Motion was adopted, Judges declined, for want of time or other reasons, to accept these Peerages, which could not be considered any very great honour to receive.

EARL GRANVILLE: My Lords, I stated the other day that I thought at the time, and that subsequent reflection had confirmed my opinion—that it was a great misfortune for the House that the question of life Peerages was decided adversely. I have always felt the Resolution in Lord Wensleydale's case a great blow to this House, and I am glad to find from the Motion of the noble Lord, that the subject is still in your Lordships' minds, and that it may possibly bear fruit. At the same time, I feel some hesitation upon the subject, for although, considering the position in which the question was left by your Lordships' decision, I think the noble Lord's Motion is perfectly correct in point of form, and there is no doubt that—supposing the proposal to be accepted—the most appropriate mode of pro-



ceeding in the matter would be by means of an Address to the Crown, yet I see great objections to it. One thing we ought to consider is not only how far any proposal of the sort is sufficiently mature and in itself defensible, but whether it has a reasonable chance of success in the other House; for it is undesirable, and a harmful thing, that anything affecting the character and constitution of this House should be discussed and canvassed there, if there is no likelihood of any practical result. We should therefore well consider the steps we are taking, before we recommend the Government to bring the matter in a legislative shape before Parliament. With regard to the statement of the noble Lord in his Motion, that the carrying out of the proposal will be of advantage to suitors, there seems to be a slight anachronism in that, inasmuch as your Lordships have already passed a Bill depriving yourselves of your judicial functions to a certain extent, and that Bill has been amended in "another place," by striking out all the remaining judicial functions of this House; therefore if the measure passes in that shape, suitors will not derive much benefit from the creation of those legal life Peers, inasmuch as there will be no suitors appealing to the House. Moreover, there is no provision in the Motion for insuring a Law Peer from Scotland or Ireland. The noble Lord appears inclined to meet that by the somewhat clumsy expedient of adding, not an actual Scotch Judgeship, but an office held at this moment by a layman, a Member of this House. I cannot agree with the noble and learned Lord (Lord Denman) when he says that it is not an honour to be created a life Peer of this House. It was argued in Lord Wensleydale's case, though I always scouted the idea, that there would be some feeling of superiority on the part of hereditary Peers towards eminent men entering this House in virtue of high qualifications. With regard to the honours of the legal profession, it stands deservedly high; and it is no reason for making an alteration to represent it as "for the honour of the legal profession." One objection to the proposal is, that it passes by other professions whose representation here would be an undoubted advantage. The noble Lord thinks it would be unwise to take any step lessening the in-

*Earl Granville*

ducement to select Peers from colonial Governors. That may be very well for us to say; but it is certainly not a reason which will recommend the exclusive character of his proposal to the House of Commons. This Session we have had few debates of any interest; but we have had debates in which late colonial Governors have contributed very much to the information of the House. If we have some eminent colonial Governor—even a man pre-eminent among Governors—who happens not to be a Peer, owing to a large family, or to not having large savings—and it is difficult for a Governor to have large savings—it is surely undesirable that he should be excluded any more than an eminent lawyer. Take another case. The noble Lord (Lord Blachford) made a speech the other day, and was followed by Peers on both sides, who not only praised its admirable character, but said that he from his accurate knowledge of the subject, was the only man in the kingdom by whom it could have been made. I do not, therefore, understand why we should adopt a system by which we exclude persons of these qualifications who have a large family, or an insufficient landed estate. The scheme, moreover, would not have applied to Lord Kingsdown, whose assistance in appeals was an inestimable advantage. I have no doubt life Peers would be an advantage to the House, but I think the best way would be to leave the Prerogative of the Crown undisturbed. I do not remember that in Lord Wensleydale's case anybody ventured to deny that it was in the Prerogative of the Crown to make life Peers. I believe it would be very much controlled, as stated the other day by the noble Marquess (the Marquess of Salisbury), by public opinion. As Lord Lansdowne said, the Prerogative of the Crown might be safely trusted in matters of the sort to a control by the new prerogative of public opinion. I know the jealousy which your Lordships then entertained, and the feeling which actuated legal Members. Lord Campbell asked what the legal profession had done that it was to be humiliated in that way? I believe your Lordships feared that life Peerages would make it easier for a Minister to ask, and more difficult for the Sovereign to refuse, an enormous and unwarrantable creation of Peers for the purpose of swamping the House at any

particular moment, and thus obtaining a majority on any particular question of the hour. I think that fear an unreasonable one. Exactly the same weight of responsibility would exist with regard to creating life Peers as hereditary Peers, and that feeling would restrain the Sovereign as much in one case as in the other. It would be infinitely better even to restrict the number, and prevent the exercise of the power in an unwarrantable and unconstitutional manner, than to confine the Peerages to four legal offices. Lord Russell's Bill restricted the whole number and the number of annual creations, and that would be better than the noble Lord's proposal. He proposes that the wives of these Peers should be Peeresses, and their children have titles of courtesy. That takes them out of the category of the Episcopal Bench, which is the only analogy the noble Lord tried to make out. Bishops, moreover, represent property, which would not be the case with the Judges, who would represent nothing but stipends. The noble Lord thinks *hon.* Members of the other House of great wealth and desirous of social position would exercise great pressure on the Government to make them Peers. Is that pressure at all diminished, however, by its being open to the Government to make them hereditary Peers? One advantage of life Peerages is, that it prevents persons who themselves have every claim to a seat here from transmitting their Peerages to persons who may be excellent in their way, but may not have the eminent qualities of their fathers, and lack the means of keeping up in any proper degree the dignity of the Peerage. I should much prefer to life Peerages attached to offices some restriction on the number of life Peers at one time, or on the annual creations. There are advantages about life Peerages which are patent to view; but the subject involves many difficulties so grave that I cannot give my support to the proposals of the noble Lord, and I do not think it desirable that legislation should take place in the direction they recommend. Under all the circumstances, therefore, I do not think it advisable that the noble Lord should press his Motion for an Address.

THE MARQUESS OF SALISBURY: My Lords, I think the objections which the noble Earl has offered to the Motion show very little zeal for a measure he

professes to support; or else it suggests the idea that he has in the background some more revolutionary proposal of his own. The noble Earl seems to object to one proposal, because the time is not propitious; and another does not suit him, because it does not go far enough. One of his objections to this scheme is, that we ought to have it in a shape likely to pass the House of Commons, and that this scheme would not pass there. Now, the House of Commons is a very favourite bugbear, which the Government keep for the purpose of frightening us. Some time ago I proposed a certain alteration in the Ecclesiastical Courts of Appeal, when I was told it would certainly wreck the Bill in the House of Commons; that though the principle was quite right, the Bill so weighted would never pass. This evening I hear that that very proposal has been passed by the other House with perfect unanimity. The noble Earl does not sufficiently appreciate the difficulties which surround the question, and the reasons which induce the advocates of life Peerages to support the limited proposal of the noble Lord. No, doubt, the real fear is, that if the principle should be more extended, the independence of this House may be seriously tampered with. This House has always looked with great jealousy on giving Ministers the power of advising the creation of an unlimited number of Peers. Every Sovereign has naturally a deep aversion to loading the Peerage unnecessarily for all time with Peers created to meet some present emergency. That makes the Sovereign very jealous of allowing the Prime Minister of the day — himself a merely temporary phenomenon — the power, for a temporary object, to mortgage to all futurity the honours in the gift of the Crown. It is a very serious responsibility, and every Minister feels it. It is to the weight arising from the perpetuity of the Peerage that we owe the fact that the power of creating Peers, apparently so unlimited, has in reality been so seldom used for influencing our deliberations. If, however, the Sovereign knew that the results of the Act would not last for ever; that it would not be stamped in indelible characters on the history of the country, but that a few short years would dispose of some few aged men, would bury in oblivion his own facility in conceding the temporary demands of the

Minister, and that the mode by which the crisis was surmounted and the crisis itself would be alike forgotten by posterity, the responsibility would be much lighter. The advocates of life Peerages have to satisfy the House that the power will not be used for the purpose of controlling it, and I am convinced that the House will never recede from its decision in 1856—that it will never trust an unscrupulous Minister, backed by some transient popular agitation, with the power of humiliating this House. I should have been very glad had Lord Russell's Bill passed, though I felt at the time there were objections, the force of which reflection and experience have not diminished. The temptation of the Minister to confer Peerages on those whom he does not like to put in a responsible office is now considerable. If he knew, and the Sovereign knew also, that he was not thereby pledging the future interests of the country, do you imagine life Peerages would not be habitually created as a means of securing influence? Bribery, it is said, has passed away—namely, money passing from hand to hand—but has it entirely disappeared from our institutions in the form of a mark of distinction for political support? Unless the standard by which Ministers are habitually governed is raised higher than it is now, it would be dangerous to give a Minister an unlimited power, which might be used for stocking these benches with some of the most incompetent Members of the House of Commons. The noble Earl quoted me, as saying that no Minister would be so lost to his duty, or his reputation, as to appoint men to high judicial offices for mere party purposes. I think we have got beyond that. The interests concerned are so large and the injury and the injustice would be so cruel, that no Minister would dare to appoint incompetent men to administer justice. But in this case, the injury would not be so apparent, and a Minister who would shrink from appointing a Judge from party motives, might not shrink from rewarding the steady votes of a worn-out partizan. The noble Earl asks the reason for confining the measure to lawyers. The reason is that half-a-loaf is better than no bread. Supposing the paramount object of bringing men of proved ability is secured, I have no objection to go beyond

the limits of the law; but let us try this proposition, and admit eminent Judges, and go further hereafter, if it proves advantageous. We should thus decide the vexed question, whether life Peers would diminish the influence of the hereditary Peers, which I believe to be a bugbear. After all, we have those who may be considered life Peers—namely, men who come here by their own merit and not by hereditary descent; and, as one of the caste who, according to that hypothesis, would be injured, I have never found hereditary Peers depreciated. In point of fact, this House within its walls, is the most democratic Assembly in the world. As to colonial Governors, let us wait awhile and try this experiment. If it answers, we can go further; if not, we shall have done no harm. This is not the time when we should be wise in rejecting such a proposal. I cannot help feeling that had Lord Russell's Bill passed in 1869, we should not now have lost the appellate jurisdiction. In the long run in England, whatever traditional rights or powers may be, jurisdiction will ultimately be fitted to the strength of the back that has to bear it, and in proportion as we are strong to do our work, we shall get more work to do, and in proportion as we are strong to exercise the power, we shall have power to exercise. I cannot feel altogether satisfied with the present state of things. Nobody impeaches the capacity or ability of this House; but as to the extent to which, in comparison to our numbers, attention is shewn to our work, I fear no candid critic would say we are wholly above reflection. While the attendance year by year diminishes, the work we have to do seems to diminish too, and I sometimes think there is a race for extinction between the two, and that it is an even bet which will disappear first, the work which the Assembly has to do, or the Assembly which does the work. I am satisfied, however, that there might be abundance of work for us to do, and that should this proposal result in fresh talent being introduced into this House, we shall have ample opportunity afforded us for availing ourselves of its assistance. I am afraid that the change that appears to be impending over us through the operation of the Judicature Bill will tend largely to diminish the number of legal Peers in this House, because

lawyers of eminence will not have the same inducements as before to accept Peerages, and the consequent result to the reputation of the House as a Legislative Assembly will be most injurious. That prospective evil may, however, in some degree be met by the noble Lord's proposal being carried into effect. I trust, therefore, that we shall not, by rejecting the proposition, indicate to the country that we value our privileges more than our usefulness; but that we shall rather show an intention on our part to welcome, with the utmost earnestness, any change in our constitution which will strengthen our voice as a deliberative, revising, and legislative body, and so increase our usefulness to the country and the probability of the permanence of the House. In conclusion I beg to express an earnest hope that the House will agree to the proposal of the noble Lord.

THE EARL OF MALMESBURY said, that having had the misfortune to be the principal means of rejecting the Bill of the noble Earl (Earl Russell) in 1869, he wished to make a few observations upon the subject. He did not think that that was the proper opportunity to discuss the proposal to create life Peerages generally, inasmuch as the terms of the noble Lord's Motion were strictly limited. He must, however, enter his protest against the statement made by the noble Marquess that the House of Lords as at present constituted did not and could not do its duty.

THE MARQUESS OF SALISBURY: What I said was, not that the House was not competent to do its duty; but that its Members did not attend to it.

THE EARL OF MALMESBURY said, that having been a Member of that House for a much longer period than his noble Friend, he thought he was justified in taking objection to the statement made. He was prepared to prove, from the Papers which had been laid upon their Lordships' Table, that the House had attended to its duty more assiduously during the last three or four years than had been the case during the previous 20 years.

THE EARL OF ROSEBURY remarked that the proposal concerned most nearly those noble Lords who in the course of nature might expect to remain in that House the longest time. He thought that the noble Marquess opposite (the Marquess

of Salisbury) had been more than severe in the strictures he had passed upon the noble Earl (Earl Granville) who had shown his attachment to the principle of the proposal on more than one occasion. His objection to the proposal was that it admitted a principle without carrying it to its legitimate conclusion, for it admitted the principle, he would not say of life or official Peers, but of personal as opposed to hereditary Peers, but did little or nothing to carry it out. Then while it admitted English Judges it did nothing for Scotch. Yet on no one point was the evidence before the Select Committee of last year more unanimous than on the necessity of some Scotch legal representative in this House, not for judicial purposes so much as to conduct legal measures. The noble Lord opposite (Lord Colonsay) was only a happy accident. As regarded personal Peers the present proposal did not go so far as that of 1869. That Bill met with almost universal acceptance; it had hardly any enemy, it could hardly be said to have fallen in battle, it was stifled under the cold embraces of its friends. Its debates consisted in haggling over the number of Peers to be admitted, whether 14, 21, or 28 in seven years. The importance of that point seemed to him always over-rated, when it was remembered that Mr. Pitt had in two years created 35 hereditary Peers, and he supposed, though he heard the phrase with surprise, that Mr. Pitt was the revolutionary statesman alluded to by the noble Marquess opposite. However, the present proposal was not revolutionary. It was strictly speaking a return to what were commonly called the ancient lines of the Constitution — a return to the old alliance between office and title which was the origin of the very nomenclature of our titles. However, that was a small point. He should vote with the noble Chairman of Committees not for his reason that the present proposal was distinctly not one for life Peerages, but for the directly opposite one, that it was voluntarily or involuntarily an admission and affirmation of the principle of personal Peerages.

LORD CAIRNS, in making a few observations on the subject, said, he should endeavour as far as possible to avoid introducing any matters likely to give rise to professional controversy. He was anxious to correct the statement that

had fallen from the noble Earl opposite (Earl Granville) with reference to the course that was pursued with regard to the Bill of 1869. That Bill, having passed through Committee, stood for its third reading, when, notwithstanding the fact that Her Majesty's Government had always professed themselves favourable to the measure, a letter from one of the then Members of the Government was published in certain of the public journals, in which he ridiculed the measure as a "mere tinkering of the constitution of that House," and the result was, that the Bill was lost. A measure of that kind was, however, he thought, desirable, and he should be very glad to see one introduced to their Lordships' House, carefully considered, and with all the restrictions which attached to the former Bill. But the question which he had on the present occasion to ask himself was, whether he could support the Motion of his noble Friend the Chairman of Committees. With the Motion he agreed to a great extent, so far as it went. He was at the same time unwilling to vote for it, because it only touched the mere fringe of the question; and in dealing simply with one point of it, might create the impression that the rest ought not to be dealt with. He was therefore unable to vote for the Motion, while he was prepared to consider the principle that some mode of introducing official persons, such as those named in it, into the House ought to be adopted. Under those circumstances, the best course, in his opinion, which he could pursue was to move the Previous Question, for voting on the question "Aye" or "No" would be likely to give rise to misapprehension. He should, therefore, conclude by moving the Previous Question.

LORD COLCHESTER, in supporting the Motion, said, he had in the year 1869 voted against the Bill of Earl Russell for the creation of life Peers, and should a measure of the same kind again be brought forward, he should still be prepared to oppose it. He could not but consider the creation of life Peerages at the discretion of the Minister of the day an invidious task in the hands of a scrupulous and conscientious Minister, and a dangerous power in the hands of a Minister less conscientious and less constitutional, who might use it with detriment to their

Lord Cairns

Lordships' House. They rejoiced to see the right rev. Bench sitting among them by virtue of their office; but it might be regarded in a different light if a power existed in the Minister of the Crown to decide whether each right rev. Prelate should or should not sit for life in that House. He regarded, however, the proposal of the noble Lord the Chairman of Committees connecting the life or official Peerage indissolubly with appointment to high and responsible functions, to great and important individual as well as collective duty, as resting on an entirely different basis, and if it could be practically done, maintaining the principle that the Peerage should necessarily—not at the option of the Executive—be united to office, he should be glad to see it extended to other professions than the legal. He should be glad to see the Governors of our great colonies necessarily sit in that House on their return, though it might be very objectionable to give a power of selection for creation as life Peers among all Governors of colonies, great or small, at the pleasure of an Administration. Therefore, while holding that a Chamber mainly or wholly composed of life Members, as in some foreign countries, was not only an undesirable, but one of the least desirable forms of an Upper Chamber, as being a mere reflex of the Executive—while deprecating the introduction of a life element as such into that House, he was prepared to support the plan of an *ex officio* Peerage as proposed, and should have great satisfaction in voting in its favour.

THE LORD CHANCELLOR thought the House would do well to accede to the suggestion which had been made by his noble and learned Friend (Lord Cairns) who moved the Previous Question. For his own part, he should be very glad to see persons holding the high offices named in the proposal under discussion occupying seats in that House, and he should therefore be very reluctant to vote against any Motion having that object. But he was, on the other hand, very strongly impressed with the feeling that it would be wholly impossible to stop at so limited an extension as was proposed of Peerages to persons not sitting as hereditary Peers, and he must say that frequent and repeated tentative legislation as to the constitution of that House would be a serious

evil, not to say a serious danger. It seemed to him that there was no slight concurrence of opinion in favour of the introduction of life Peers under such restrictions as might prevent abuse; but it was manifestly a different proposal to create a certain number of *ex officio* Peers; and it was impossible to deny that there were beyond the lines of the legal profession classes of persons to whom reference had been already made, such as Governors of Colonies, or Ambassadors and high diplomatic servants of the Crown, to whom it might fairly be contended that the proposal of the noble Lord might with advantage be applied. Fit persons to occupy seats in their Lordships' House on a similar footing might be selected from all those categories, and also from the naval and military professions, and he was quite prepared to say that the legal profession had already, and was likely to have, its full share of the honours of the State, as compared with other professions. It would be a somewhat invidious thing therefore, to make an exceptional rule in its favour as was now suggested. If, however, they travelled beyond the legal profession, it would be found an exceedingly hard thing to find other offices held with that permanency of tenure and that independence which their Lordships would wish to see if life Peerages were to be attached to them. It would be a great mistake, he might add, to suppose that in adopting the Motion the House would be following the analogy of the case of the right rev. Bench, the historical origin of whose title to sit in that House was not *ex officio* but as Barons by tenure, because, like the mitred Abbots, who, before the suppression of Monasteries, also sat in Parliament, they held great ecclesiastical fiefs from the Crown. There was, indeed, a variety of questions which would require consideration before the question could be dealt with in the limited form now proposed, and the House would, therefore, he thought, act wisely in adopting the course which his noble and learned Friend had suggested.

EARL GREY said, he was also in favour of putting the Previous Question. He fully agreed that it would not be wise to divide on the Motion. The question was a very important one, and the more they considered it, the more they must see the necessity there was for a measure of the kind. He fully recognized

the danger indicated by the noble Marquess (the Marquess of Salisbury) that the power of creating life Peerages, unless it was carefully guarded, would be liable to abuse; but, on the other hand, there was no slight danger—and perhaps even a more formidable danger—of an abuse of the power of making hereditary Peerages. In the course of the present century, he thought that latter power had been abused with great detriment to that House. There was, he felt persuaded, a manifest deterioration in that Assembly as regarded the disposition to attend to business, and that evil might be traced in a great degree to the fact that the House had become much more numerous. That House, owing to its peculiar character, was not fitted to be a very numerous Assembly, and a state of things had been produced by the cause he had described, in which after a certain period of the evening, it was often almost impossible to discuss interesting questions as they ought to be discussed there. He believed the tendency to abuse the power of creating hereditary Peerages since the commencement of the century had been gradually increasing. Lord Palmerston, however, had shown a greater abstinence on that point than the Ministers by whom he had been followed, whether they sat on the one side or the other of the Houses of Parliament. Probably the best remedy against the abuse of the power of making hereditary Peers would be found in the adoption under proper safeguards of the principle of life Peerages. The decision at which their Lordships' House arrived in 1856 on that subject had been referred to. In his opinion, looking at the nature of our Constitution and Government, no Minister was entitled to advise the Crown, as was done in 1856, to bring forth from antiquity a Prerogative which had not been used for 300 years. The fact that that Prerogative had been so long in abeyance was, he maintained, an insurmountable bar to its being used without consulting Parliament; and if, instead of creating Lord Wensleydale a life Peer, the Government of the day had taken that House into its counsels, and had pointed out how great was the object to be attained, how useful it would be for the character and dignity of the House, and how much it would conduce to the convenience of the public—if the subject

had been dealt with in that manner, and if an angry feeling had not been raised by what was thought an unwarrantable invasion of the rights and privileges of that House, he was persuaded there would have been no difficulty in arriving at an amicable solution of the question, and the ancient practice of creating life Peerages might have been revived under such conditions as would guard against abuse. But although mistakes were made in 1856, it was not too late to deal with the matter; and he hoped that both the Government and those who sat opposite to them, would take it into their consideration and endeavour to arrive at some mode of attaining an object which from the discussion of that evening it appeared they all desired.

LORD REDESDALE, in reply, said, that it was difficult to raise the question in any other way than that which he had suggested; and in any proposition for creating life Peerages which might be made, the high legal officers referred to in his Motion ought to be clearly provided for. His proposal was free from any objection, and was an entirely constitutional mode of treating the subject. He had carefully avoided making that a party question, resting his Motion solely on the ground of what was best for the interests of that House and of the public. He had heard with considerable regret the remark of the noble Earl the Foreign Secretary to the effect that if the Motion for an Address to the Crown were adopted it would receive an unfavourable answer. That, he thought, was not a proper method of meeting such a proposal. If the House expressed an opinion that it was desirable that Prerogative should be exercised in a particular manner, it would be most unfortunate if the answer of the Crown should be one which amounted in fact to telling the House to mind its own business. He was now very much in the hands of the House; but he thought their Lordships need not fear that it would meet with a response distasteful to them, although it might convey little or nothing to the House. He regretted that his noble and learned Friend (Lord Cairns) had suggested that the Question should not be put. It was to be regretted, he thought, that when a question of this sort had been brought before their Lordships, they should not express an opinion upon it. He was,

*Earl Grey*

however, entirely in the hands of the House, and if their Lordships thought they should go to a division, he should certainly prefer that course.

EARL GRANVILLE, in explanation, said, that the noble Lord had misinterpreted a portion of his (Earl Granville's) speech to which reference had been made in the noble Lord's reply.

A Question being stated thereupon, the Previous Question was put, "Whether the said Question shall be now put?"

*Resolved in the negative.*

LORD REDESDALE said, he had not called for a division lest the question might appear to have assumed a party character. He believed a considerable number of noble Lords would have voted with him; but under the circumstances their Lordships would probably think that he was exercising a wise discretion in refraining from asking the House to divide.

#### ALKALI ACT (1863)—PETITION FOR AMENDMENT.—OBSERVATIONS.

LORD RAVENSWORTH, in rising to call attention to the defective provisions of the Alkali Act, and to present a Petition, numerously signed, upon the subject, said, that the Act was passed in the year 1863, and that its object was to diminish the quantity of noxious vapours passing from chemical works into the atmosphere, and especially to cause an effectual condensation of muriatic acid gas. This subject was one of very great importance; it affected the comfort and the health of a large portion of the community. Although there had been no public demonstration respecting the question, and no great public meeting had given expression to the grievances which those he represented complained of; yet he could inform their Lordships that within eight or ten days a Petition on the subject had received the signatures of some 500 gentlemen of high standing. Those parties complained of the defective provisions of the Alkali Act, and of the destructive effects upon public health and property which had been the result. They complained that the Act was not alone inadequate, but that matters were even worse than they were before its passing in 1863. Indeed, it appeared from the Reports of the Inspector appointed by the Board of

Trade, and also from the result of an inquiry conducted with the sanction of the Board on the subject, that the mischief resulting to vegetation, and, consequently, to the health of the people, from the noxious gases generated in alkali and other works, had not been at all lessened since the passing of the Act. Of his own knowledge, speaking of the district of Tyneside between Newcastle and Shields he could say that so far from relief being afforded by the provisions of the Act, the mischief created was now ten times greater than it was before the Act passed. No one could read the last Report of the Inspector, that for 1871, which had been presented to Parliament, without arriving at the conclusion that the statute was inadequate to meet the existing evil. It appeared that the acids of sulphur, the most injurious of all, were totally untouched by the present Act, and the Inspector gave it as his opinion that it would be desirable to have a special inquiry into that subject. The Inspector stated that many complaints had been made to him of continued injury from deleterious vapours; but he believed that a great part of the injury was not done by muriatic acid, but by the sulphurous acids evolved from some of those works. Those acids were given out in great abundance, they were destructive to health and vegetation; and for a mile or two, and often more if the wind set in a particular direction, much damage was done, and the neighbourhood rendered almost uninhabitable. The sulphuric acid gas infected all the moisture in the air, and the most deleterious effect to health was the result. When the Government Inspector pronounced the present law to be defective, surely it was not too much to ask for the attention and assistance of the Government in supplying the defects of the existing Act. With regard to the nature of the remedy he would say that having, when in the other House, represented the two northern counties, he was not in favour of violent measures. The question was not one without difficulty; but the parties who suffered from these noxious vapours ought to have the power of obtaining redress. He appealed, therefore, to the Government to take into consideration what these remedial measures should be; but some means of diminishing the amount of sulphuric acids

evolved from these works might certainly be devised without injury to the manufacturer. One suggestion was, that the Poor Law officers should give relief to sufferers from such works, and that they should have power to compel the offending parties to refund the money. He trusted that he had said enough to call the attention of the Government and the country to the evils that existed and the necessity of supplementing the existing law, so as to enable the Inspectors to deal with them.

THE EARL OF DERBY said, he could bear testimony to the general accuracy of the statements of his noble Friend. In the neighbourhood of alkali works, trees were killed or stunted, and crops and vegetation generally were injured. With regard to the residents in the neighbourhood these vapours were destructive to comfort, and, as he believed, injurious to health. All this inconvenience was at a maximum within a radius of two or three miles of such works; but it was within his own knowledge that near St. Helens, in the direction in which the wind habitually blew, residences were made untenable at a greater distance—say four miles when the wind set directly in that direction. He by no means wished to be understood as saying that the Inspectors under the Act passed ten years ago had failed in their duty. He believed that the Inspectors did the utmost that the law enabled them to do, and the only means of meeting the evil pointed out was by increasing the powers with which they were armed. The Act only enabled them to deal with one particular noxious vapour—muriatic acid—and there was not only reason to believe that a good deal more of that gas escaped than was contemplated when the Act passed, but that other and still more destructive vapours were also set free to the injury of the neighbourhood. It might be asked why they did not prosecute for these nuisances. If these offensive gases came from one work there would be no difficulty in the matter, but where there were a number of works, by reason of their very number it was impossible to fix the responsibility on any one of them. Speaking as a resident in a part of the country which was subject to these annoyances, and whose health not unfrequently suffered from them, he ventured to say that a case had been made



out which deserved the attention of the Government.

LORD STANLEY OF ALDERLEY remarked that in the north of Cheshire sulphuric acid was usually allowed to escape only in the night time. He would join in the desire for urgency in the preparation of a remedial measure upon the subject.

THE MARQUESS OF RIPON said, the late Lord Derby brought this subject under the consideration of the House in 1862, the consequence being that the Bill of 1863 was passed. That measure, as the noble Lord had explained, dealt only with the case of muriatic acid gas, but it undoubtedly appeared from the reports of the Inspector appointed under the Act that there were a number of other gases of a deleterious character which were deliberately excluded from the operation of the Act. It was necessary to legislate on this subject with extreme caution. The attention of his right hon. Friend the President of the Local Government Board had been already directed to the subject, and he had given instructions for an inquiry into it. At present it would be premature to say what might be the best mode of remedying the evil, but he confessed that, speaking for himself alone, he entertained considerable doubt as to the advisability of carrying out the proposal made by Earl Grey to the Select Committee of 1862. The subject would, however, receive careful consideration on the part of Her Majesty's Government during the Recess.

#### SCOTCH AND IRISH PEERAGE.

##### MOTION FOR AN ADDRESS.

LORD INCHQUIN in moving, That an humble Address be presented to Her Majesty for, Returns of the present state of the Irish and Scotch Peerage, showing what Peerages have become extinct since the union of those countries with England, and what extinct peerages are now represented by inferior titles; the number of Scotch and Irish Peers without seats in Parliament; and the roll of English, United Kingdom, Scotch, and Irish Peerages at the respective dates of union, and at the present time; also, the number of Irish Peerages created since the Union, and the number of British Peerages conferred on Irish and Scotch Peers, and the years in which they were

granted, said, he was induced to make his Motion in order that he might be able, at an early period next Session, to bring under their Lordships' notice the exceedingly anomalous and unsatisfactory position of the Scotch and Irish Peers, with a view to the removal of the disabilities under which they laboured.

*Motion agreed to.*

#### LAW AGENTS (SCOTLAND) BILL.

(*The Lord Chancellor.*)

(NO. 163.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that as it had already passed through the other House he did not suppose it was necessary for him to enter into the subject at any great length. As probably some of their Lordships were aware, the Bill was framed mainly upon the recommendations of the Law Commission of Scotland of 1868. At the present moment there were many peculiarities connected with the office of law agents, and their qualifications were not set down as clearly and as satisfactorily as they might be. The Commissioners accordingly recommended that whereas there then existed in Scotland various monopolies and special privileges of different corporations admitting law agents to practise, such monopolies should be abolished; that there should be one general examination and system of admission for the whole of Scotland; that anyone passing such examination should be entitled to practise in all the inferior Courts; and that anyone who passed a further examination should be admitted in the Supreme Courts. This Bill proposed to follow these recommendations, and, so far as related to the admission of law agents to practise, it would abolish all exclusive privileges. The simple object of the Bill was to create a uniform system of law agency all over Scotland. There might possibly be some matters of detail in the Bill which would give rise to discussion; but he did not know that the principle and main object involved would cause any difference of opinion. It had, in the main, received the approval of the legal profession in Scotland, although, as might have been expected, some of

*The Earl of Derby*

the privileged corporations objected to it.

*Moved*, "That the Bill be now read 2<sup>d</sup>."—(*The Lord Chancellor*.)

LORD COLONSAY said, that various representations had been made to him respecting the measure. Some of them were to a great extent favourable; but many of them were quite the reverse. The object of the Bill he himself fully approved; but he feared that the manner in which it was proposed to carry out the object would not be fair to existing interests, and particularly to existing law societies. The recommendations of the Law Commission were very good, but, if he mistook not, they were exceeded in the Bill. He considered that in any alteration in the law which might be considered desirable, existing interests should be respected as far as possible. He did not see that that was done in the present Bill, and he should therefore reserve to himself the right to propose any Amendment which he thought proper. The last clause of the Bill—that which proposed to repeal the Procurators (Scotland) Act of 1865—was, he considered, open to much objection. However, in the present stage of the Bill, he should throw no obstruction in its way.

THE DUKE OF RICHMOND said, he concurred with all that had been said by the noble and learned Lord who had just sat down. He believed he was right in saying that there was a general feeling of dissatisfaction in Scotland with regard to the Bill—not with regard to its object, but with regard to the manner it was proposed to deal with some of the legal bodies most deeply interested in the subject. So far as the general principle of the Bill was concerned it was well enough. A gentleman well competent to speak on behalf of the legal opinion of Scotland, had sent him a letter in which he said that the passing of the Bill in its present form would be, in the opinion both of the Bench and the Bar of Scotland, highly injurious to those legal societies to which the noble and learned Lord had referred. It was an important question whether the Bill would benefit or injure such a body of persons as, for instance, the Writers to the Signet. If the Bill only lowered the *status* of those persons, it would, of course, be an injury to them, and it

would also, he believed, be an injury to the public. It would be well to see, then, what was really proposed before agreeing to such a measure as that. He therefore was ready to support any Amendments which his noble and learned Friend thought would preserve the position and the character of those persons. Then there was the manner in which it was proposed to deal with the procurators. He considered that that was open to much question. There was, besides, the question of the Incorporated Societies. He believed that dealing with them was an after-thought. Such a clause was not in the Bill of 1872. If it was not thought proper to make such a proposition in 1872, he should like to know why it was proposed now. He considered that the clause should be as follows:—

"From and after the first day of February, one thousand eight hundred and seventy-four, the Procurators (Scotland) Act (1865) shall be and the same is hereby repealed, but such repeal shall not prevent societies formed under the said Act from continuing to act as incorporated societies, and electing such office-bearers as they please, and admitting members on such terms as they see fit, provided always that it shall not be necessary for any agent admitted under this Act to become a member of any such society."

THE LORD CHANCELLOR said, that all these things were matters of detail, which he hoped could be satisfactorily dealt with in Committee. The framers of the Bill were between two fires, because while one side urged that special interests should be respected, others urged that no privileges should be given to one body over another. He did not, however, think that these conflicting views need in any way interfere with the passing of the Bill.

*Motion agreed to*; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Friday next.

House adjourned at Eight  
o'clock, to Monday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

Friday, 4th July, 1873.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Revising Barristers \* [221].  
*Committee*—Supreme Court of Judicature [154]—*r.p.*; Entailed and Settled Estates (Scotland) [130]—*r.p.*; Infanticide Law Amendment \* [42], *deferred*.  
*Committee—Report*—Highland Schools (Scotland) \* [202].  
*Third Reading*—Consolidated Fund, &c. (Permanent Charges Redemption) \* [204]; Blackwater Bridge (Composition of Debt) \* [177], and *passed*.

The House met at Two of the clock.

## CONVENTUAL AND MONASTIC INSTITUTIONS BILL.—PERSONAL EXPLANATION.

MR. WHALLEY begged to call the attention of the House to a subject somewhat personal to himself, and in doing so regretted the absence of his hon. and learned Friend the Member for Cork (Mr. McCarthy Downing), to whom it applied. That hon. and learned Gentleman on a recent occasion, in alluding to him, said that inasmuch as he had been brought before the Court of Queen's Bench for contempt of Court, and in a letter to one of the morning journals commented unfairly on the evidence, and imputed unworthy motives—

MR. BOWRING rose to Order. The hon. Gentleman introduced topics with which the House had nothing whatever to do.

MR. SPEAKER ruled that the hon. Member was out of Order in referring to what had occurred in a debate during the present Session; but it was usual in cases like the present, where personal explanations became necessary, to grant considerable latitude. He must, however, remind the hon. Member that whatever might be the explanation required, the hon. and learned Gentleman to whom reference was made ought to be in his place.

## FRANCE—TREATY OF COMMERCE, 1872.

## QUESTION.

MR. MIALI asked the Under Secretary of State for Foreign Affairs, Whether, if the Treaty of Commerce with France, signed on the 5th November 1872, is not to be ratified, Her Ma-

jesty's Government will urge a permanent most favoured nation article, which shall effectually prevent the state of uncertainty which at present exists, as to the future of our commercial relations with France; and, whether Her Majesty's Government will urge the introduction of such improvements in the management of the French Customs, with reference to expertise and classification of goods, as were agreed upon in Paris between the Commissioners appointed by their respective Governments?

VISCOUNT ENFIELD: Sir, the Treaty of the 5th November last was referred, on the recent change of Government in France, to the Conseil Supérieur du Commerce de l'Agriculture et de l'Industrie, and until the Conseil makes its Report, which is shortly expected, no formal negotiations on the subject of the Treaty can be entered into; but the two Governments are exchanging unofficial communications, which it is to be hoped may facilitate the attainment of an arrangement satisfactory to both countries. It would be premature to state the nature of those communications; but the House may rest assured that the interests of British commerce, both as regards commerce generally and as regards the details of such matters as expertise and classification of goods, will be carefully watched over by Her Majesty's Ambassador at Paris, who has full instructions for his guidance, and by whom the negotiation will be conducted.

## CRIMINAL LAW—THE CHIPPING NORTON MAGISTRATES.

## QUESTIONS.

SIR GEORGE JENKINSON asked the Secretary of State for the Home Department, with reference to his remarks in answer to a question on June 6th, upon the conduct of the two justices of Chipping Norton for sending certain women to prison for an offence which he admitted was fully proved, with no evidence for the defence, under the provisions of an Act quoted, upon what authority he then stated

"That those justices, instead of sending the women to prison, ought either to have bound them over in their own recognizances to appear and submit to the sentence, when called on, or that it would have been quite competent for the magistrates, on the evidence before them, to convict those who had taken the most active

part in the disturbance for an assault, and to fine them, enforcing the fine, if necessary, by imprisonment;”

and, as he further added,

“that neither of those courses appeared to have occurred to the magistrates, and the case did seem to show a very grave want of discretion,”

whether he is prepared to state that either of those courses suggested by him would have been in conformity with the Law?

MR. COBBETT asked, Whether the right hon. Gentleman did not think it would be well to order that the depositions taken before the magistrates and the summonses should be laid before the House, in order that it might form an opinion for itself on the whole merits of the case?

MR. BRUCE: I believe, Sir, that either of the courses referred to in the Question of the hon. Baronet, as also a third course—namely, the absolute dismissal of the case against some of the women charged—would have been within the competency of the magistrates. I did not make my statement on this subject without consulting one of the most eminent and experienced of the London Police Magistrates as to the Law, and as to the practice of the Magistrates in similar cases. Nothing is more common than to dismiss with a warning from the Bench persons charged with slight offences, or even less prominent participants in graver offences, although legally subject to punishment; and the practice of binding prisoners to appear on their own recognizances to receive sentence when called upon to do so is one frequently resorted to in the higher Courts of Justice, and occasionally by justices of the peace. The substitution of the charge of assault for a graver charge would be also within the competency of a magistrate to recommend. But when that is done the prisoner must, of course, be allowed the opportunity of rebutting by evidence the substituted charge. A large power is given to magistrates in the exercise of their functions, and I am bound to say they use it with great discretion and humanity. If they availed themselves of every opportunity they had to punish offenders, the country would require double the number of prisons it now possesses. It is a very serious thing to send a person to prison, and the magis-

trates, I am happy to know, exercise a wise and sound discretion in these matters.

In reply to the suggestion of the hon. Member for Oldham (Mr. Cobbett), I may say that in the Correspondence which has been moved for, the evidence that was taken will be found. Magistrates do not take the evidence in summary cases with the same accuracy with which they take the evidence in cases to be sent for trial, but the Correspondence that took place between the Lord Chancellor and the Lord Lieutenant of Oxfordshire contains the most correct version of it, and will be very shortly laid on the Table of the House.

SIR GEORGE JENKINSON wished to know, If the right hon. Gentleman's attention had been called to two cases, in which it had been held that the magistrates had no such power of convicting for one offence a person summoned for another, as the right hon. Gentleman had suggested?

MR. BRUCE said, he had no doubt those cases perfectly represented the law; but he was informed, on good authority, that it was perfectly legal for the magistrates to dismiss a summons, and then to proceed upon another charge.

SIR GEORGE JENKINSON gave Notice that he would bring the subject forward again, for the purpose of having it debated.

In reply to Mr. BOWRING,

MR. BRUCE said, he should prefer not to say what was the Lord Chancellor's decision upon the case until the Papers were before the House.

#### BOSNIA—ALLEGED OUTBREAK OF MOSLEM FANATICISM.—QUESTION.

MR. A. JOHNSTON asked the Under Secretary of State for Foreign Affairs, What information has been received by Her Majesty's Government as to outbreaks of Moslem fanaticism in Bosnia; and, whether they contemplate any representations on the subject to the Sublime Porte, in concert with other Christian Powers?

VISCOUNT ENFIELD: No information has been received at the Foreign Office, either officially or otherwise, as to outbreaks of Moslem fanaticism in Bosnia, and the latest despatches of Her Majesty's Consul at Bosna Serai make no mention of any such circumstance.

## SUPREME COURT OF JUDICATURE

BILL—[Lords]—[BILL 154.]

(Mr. Attorney General.)

COMMITTEE. [*Progress 3rd July.*]

Bill considered in Committee.

(In the Committee.)

Clause 18 (Power to transfer jurisdiction of Judicial Committee by Order in Council).

THE ATTORNEY GENERAL said, he wished to take that opportunity of giving some explanation with respect to a remark of his which had been the subject of some misunderstanding. In moving the second reading of the Bill, a statement of his as to the Judges occasionally reversing each other's decisions in the Court of Exchequer Chamber had given annoyance to some of those learned persons. Though he did not withdraw his statement, he begged to say that when he made it, he did not carry in his mind any living Judge.

MR. GATHORNE HARDY, in moving as an Amendment, in page 9, line 36, to leave out from "Council," to "thereto," in line 37, said, he wished to bring before the Committee a subject which was of supreme importance, and which well deserved the consideration of the House. It was one upon which a large number of hon. Members on his side of the House took a deep interest, for they were convinced the reform would be one that would be appreciated. By the section now before the Committee it was provided that Her Majesty might direct that all appeals whatever to Her Majesty in Council "except appeals from any Ecclesiastical Court and Petitions relating thereto," should be referred to the tribunal of Final Appeal, which this Bill proposed to constitute. He wished that the words he had quoted should be omitted, and that the great Court of Final Appeal should decide on all the appeals of the country, so that there should be one tribunal for all. At first Ireland and Scotland were excepted, because it was thought desirable not to overweight the Bill, and it was considered doubtful whether this House would accept the proposal to include them. But the House had shown itself willing to include Ireland and Scotland, and he now asked the Committee to include ecclesiastical cases also, and not to leave them to a separate tribunal, which

would be weakened by the Bill, and would grow weaker and weaker as business was withdrawn from it. It could not be denied that the questions on which ecclesiastical appeals were raised were questions, not of altering the law of the Church or its doctrines, but of the construction of documents and contracts, and other matters which legal minds were peculiarly calculated to decide upon, and it gave an impression at present that it was rather a Court of Heresy than a Court of Law when there were ecclesiastical persons sitting upon the tribunal, and that cases were decided rather by a theological bias than by a strict interpretation of the documents before it. He had received letters from the clergy urging that the Amendment of which he had given Notice should be carried, and the Lower House of Convocation, which some might not give weight to as such, yet as a body of clergymen of great importance, had signified their desire that the final appeal in ecclesiastical cases should be given to the Final Court of Appeal for all other causes. That showed that those who were most likely to be interested or implicated in the tribunal for dealing with ecclesiastical appeals wished that it should be a purely legal tribunal. He begged to assure the right hon. Gentleman at the head of the Government and the hon. and learned Attorney General that he did not make this proposal in order to hamper or impede the measure. He had accepted the proposal that there should be one Court of Final Appeal, and it was on that ground that he wished ecclesiastical cases also should be referred to it. The questions to be brought before these tribunals were of a strictly legal character, and ought to be dealt with solely by legal persons. He hoped Her Majesty's Government would be able to accept the suggestion he had made, for while he knew he could not hope to carry it against them, he knew also that there was a vast number of people both in that House and out-of-doors who would be glad to see the Court of Appeal one and final. He therefore hoped they would give it their most serious consideration, and moved to omit from the clause the words which excepted ecclesiastical cases from the jurisdiction of the new Court of Appeal.

Mr. VERNON HARCOURT supported the Amendment. There was great difference of opinion on both sides of the House as to the point of view in which these ecclesiastical questions were to be regarded, but the proposal of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) was one upon which persons of different opinions might come to the same conclusion. The questions to be raised were legal points of status and property established by statutory and legal authority; and they ought to be discussed by a strictly legal tribunal. In the present Appellate Court, the functions of Convocation were mixed up with those of a Court of Common Law, and apart from that, there frequently arose difficulty in constituting a Court under existing circumstances, and these difficulties would be removed and diminished if the whole of the appeals were appointed to be determined by the same tribunal. The existing state of things was extremely inconvenient, for he remembered that in the *Voysey* case, when the Archbishop of Canterbury was ill, the Archbishop of York unable to sit, and some objection was taken to the Bishop of London being upon the tribunal, that tribunal could not have been constituted at all if the Archbishop of Canterbury had not got better.

Dr. BALL also supported the Amendment, the operation of which was not analogous to the transfer of the Equity and Common Law Appeals to the Courts proposed to be constituted by the Bill. It was intended that in those cases which had been heretofore heard in the Judicial Committee of the Privy Council, the Judges should still continue to report to Her Majesty, and all Orders would be made by Her Majesty in Council. If the Order was made in ecclesiastical cases by the Judges, and not by the Queen, a serious question might be raised as to the supremacy of the law in Church questions, and as to the connection of Church and State; but as the circumstances were so different, and the Judges in such cases merely acted as the advisers of Her Majesty, there was no reason why they should not sit in the New Court of Appeal instead of in a room at the Privy Council Office. The fact of transferring the jurisdiction was entirely separate from the question of the conditions on which the transfer should

be made, and the provisions which should be introduced with regard to the jurisdiction of the new tribunal. That was a question with regard to which not merely individual opinion but general opinion was to be considered. But the transfer of jurisdiction would by no means decide the question as to whether any of the Bishops should sit upon the hearing of ecclesiastical appeals. He did not think the jurisdiction of the Privy Council could be kept up; because when all but ecclesiastical cases were taken from it, there would be no object in introducing into the Judicial Committee of the Privy Council men who were eminent for their general knowledge of the law, and for their capacity to deal with legal questions. Seeing that the proposition made met with the approval of the clergy, and that the Lower House of Convocation desired such a tribunal, he should give the Amendment of his right hon. Friend his cordial support.

Mr. OSBORNE MORGAN supported the Amendment. He was very glad to find that on an ecclesiastical question he was in perfect accordance with the opinions expressed by the right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) a luxury which he could not often allow himself. Nothing could be more imperfect than the present appellate jurisdiction in ecclesiastical affairs. The only argument he had heard against the Amendment was that lawyers were not theologians; but neither were lawyers merchants or bankers. As well might it be urged that a Judge should not try a case of petty larceny unless he were himself a thief. The yoking together of Bishops and Judges on a judicial tribunal reminded him somewhat of the yoking together of those two useful animals whose acting in concert in that way was forbidden by the Levitical law. Without going so far as the late Mr. Justice Maule who had laid it down that to be a good Judge a man ought to have neither politics nor religion, he thought that many of the qualities which would go to make a good Bishop would make a bad Judge; and, certainly, the last cases that Bishops should be empowered to try were those which affected the clergy. The constitution of the Court would also be even more unsatisfactory for the future, because the four Judges who had recently been appointed to the

Privy Council would now be transferred to the Supreme Court.

MR. ASSHETON CROSS observed that it was the birthright of every layman in this country, that the doctrines of the Church were laid down in certain documents which were binding upon the clergy, and the clergy were entitled to have these documents construed according to strict rules of law. He should, therefore, support the Amendment, and he wished to call attention to this—that in making the change it was absolutely necessary that it should be done in such a way that it should be properly done, and that at the same time the clergy should be satisfied. To satisfy the clergy, it should be provided that whilst the interpretation of the documents to which he had referred rested with the Appellate Court, that Court should not have power to pronounce judgment upon what had passed, but that this proceeding should be left to the Ecclesiastical Court below, in order that the latter might pass sentence. He believed that such a mode of proceeding would tend much to smooth the matter over.

MR. BERESFORD HOPE trusted that the Government would look with favour upon the Amendment; because, from a considerable knowledge of the clergy, he believed that there was a growing feeling in favour of some such an alteration in reference to the Court of Appeal in Church cases. The free way in which the Press and society criticized its judgments, so different from the respectful treatment with which the decisions of other Courts were received, proved that its constitution was defective. The combination of two very different classes of minds in the Judicial Committee was really very injurious both to theology and to law. The qualities that made a good Bishop would not tend to make a good Judge; for the very earnestness of character that formed the good Prelate was alien to the cold, impassive, judicial mind. The present Judicial Committee had many of the vices that characterized the old Court of Delegates which it replaced. Like that it was not a fixed Court, with a fixed number of Judges known beforehand. He hoped that the Government would attempt to define the procedure of the Supreme Court in ecclesiastical matters. When judgment was given, we did not get the whole mind of the members of the Ecclesiastical

Court. How soon divergent their private opinions might be, the report of the Crown assumed that they were unanimous, so that the system might be called a gigantic specimen of "knock out." The Report selected merely the points on which the members of the Court might, by hook or by crook, agree. It was, in fact, a mere residuum left after boiling down the various opinions of the members of the Court; and did not command the immediate and spontaneous respect which other judgments did.

MR. WHITWELL joined in the wish that the Amendment might have the assent of the Government, for the question was one which could not be allowed much longer to continue in the condition in which it now was.

MR. SPENGLER WALPOLE said, that for the reasons which had been given by his two right hon. Friends, it seemed to him that it would be absolutely necessary that they should include among the subjects of appeal to the Supreme Court those which were referred to the Judicial Committee of the Privy Council. If they continued to refer such questions to an inferior tribunal to that which decided other appeals, the same weight would not be given to decisions in one case as in the other. No doubt, it would be necessary to consider in Church appeals what Court should ultimately be required to act on the sentence or decree, and it might be necessary to refer any such cause back to the Court which was originally constituted to deal with it. He would not argue the matter now, though he believed it to be a matter of very great importance, in reference to the welfare of the country and of the Church itself—first, that the tribunal to decide on appeal should be simply a judicial tribunal; and secondly, that the people of this country should know and feel that it was so. He believed that the decisions of such a tribunal would not lead to that confusion and disappointment in the minds of men which some decisions had lately given rise to, because it was imagined, very erroneously that they had been determining questions of doctrine. He hoped that the Government would take this matter into their careful consideration.

MR. CAWLEY hoped the Amendment would be adopted. If an Appellate Court of the highest character had to deal with these questions, it would go a

great way, leading to that reform of the Ecclesiastical Courts of an inferior kind which he was so anxious to see carried out.

MR. GLADSTONE said, it was impossible not to be struck by the very remarkable unanimity of opinion which this Amendment had elicited from hon. Gentlemen whom on ordinary occasions he should expect to see down the two columns of a list of pairs. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) was so kind as to inform him last night that he intended to raise the question, and he then told him that he had every disposition to bring it under the consideration of his Colleagues; but he should be reluctant to introduce any change immediately into the clauses of this Bill, unless there should appear to be very strong grounds for making such a change. He also desired to have an opportunity of making the matter known to those Prelates who were immediately concerned in the decision of the question, and of obtaining their opinions. He attached great weight to the very remarkable concurrence of opinion on both sides of the House—he might almost assume, after what he had heard that day, that there was absolutely no difference of opinion on the subject. He had already taken the opportunity of consulting his own Colleagues, and this was not the first time that the question had come before them. Indeed, his noble and learned Friend the Lord Chancellor had stated “in another place,” that his reason for being disinclined to assent to the proposal then made was the apprehension of charging the Bill with an excess of materials. He was sorry it was not in the power of the right hon. Gentleman to give a longer Notice of his intention; at the same time, he would not give the expression of his regret the form of animadversion. No doubt the acceptance of the Amendment of his right hon. Friend the Member for Kilmarnock (Mr. Bouverie) had induced the question, and it was necessary for the right hon. Gentleman the Member for Oxford University to consider the ground well before he committed himself to any declaration on the subject. He did not think that it would be possible upon the merits to maintain the present Court. It was so framed that there was great difficulty in constituting the tribunal, and

it was incessantly shifting its component parts. The same Judges did not always sit to try questions of this kind, and there was the suspicion that theological bias would creep into purely legal questions. And, lastly, the fact that it delivered its judgments collectively, so that we had no knowledge of the opinions of its separate Members, whatever were the merits or demerits of the system, was one which was entirely out of analogy with the rest of our judicial tribunals. The sentences, too, were usually pronounced by the Members of the Court respectively, and not by one member of the Court as an integral body. These were general considerations applicable to the constitution and working of the a Court before this Bill; but as had been observed, the introduction of the present measure virtually altered the position of that Court, and the question was whether they should retain that single rag of an isolated jurisdiction which the Court might not be called upon to exercise once in seven years. Although there had been a considerable crop of ecclesiastical suits and judgments lately, yet the result had not been of such a character as to give great encouragement to the multiplication of such suits hereafter. Therefore, taking a practical view of the matter, it would appear rather hard upon the public, when they had long ago come to the conclusion not to vote one shilling for purposes purely denominational, unless there was something very important beyond that mere consideration, that the paraphernalia of a Court and the charges for its officers should be kept up by funds from the Exchequer, simply on the chance that from time to time some ecclesiastical suit might crop up, with which this semi-animate Court might be called upon to deal. If they could refer the decision of these questions to the Appellate Court they would carry them to a Court which was wholly discharged from all consideration of the religious persuasion of its Judges. To some persons it might be an objection to the transfer of the business of the Ecclesiastical Court to the Court of Final Appeal, that only Judges who had received a peculiar training could deal with religious questions; but his opinion was, that men of honesty and integrity and legal competency, who had not received any peculiar training with reference to re-



ligious questions, would be well fitted to deal with ecclesiastical suits. If the Judges were men of perfect, upright minds and legal capacity, they would themselves best know how to define the limits of their own action, and how to mark the point at which they should regard the technical knowledge that was required, and then call in extraneous aid to their relief. He, for one, was ready cheerfully to commit to those Judges of the Appeal Court the decision of those questions, wholly irrespective of any question that might hereafter arise connected with the religious persuasion of this or that particular member of the Court. He thought that they should commit a great error if they were to attempt to secure even a shadow of religious conformity on the part of the Members of the Court, or to attempt anything in the nature of a test which would throw upon those Judges a character other than that of Judges. The question really was, whether it was the desire of the House that they should proceed in the matter by at once accepting the Amendment of the right hon. Gentleman opposite. The Motion of the right hon. Gentleman was before them, and considering the extraordinary concurrence of opinion with which it had been received from so many considerable authorities—from persons of diversified views; and considering also that the Government could not see any serious difficulties in the matter—considering, too, the convenience of business, and that the other House would retain its independent action on the subject—he (Mr. Gladstone) did not feel himself justified in pressing for the withdrawal of the Amendment. He should, therefore, allow himself the satisfaction of concurring in what was so generally thought to be an improvement in the Bill.

*Amendment agreed to; words struck out accordingly.*

MR. VERNON HARCOURT hoped that, before the clause was passed, the hon. and learned Attorney General would tell the Committee something on a point which had not yet been raised, but which was extremely important with reference to Appellate Jurisdiction. It had been referred to by the hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope). It had been the habit of the Judicial Committee

of the Privy Council, in ecclesiastical cases, and, he believed, in all other cases, to give a unanimous judgment—that was to say, the judgment of the majority of the Judicial Committee was given. But the hon. Gentleman suggested that in the case of a conflict of opinion each of the Judges in the proposed Court of Appeal should give the reasons of his judgment. In that suggestion he (Mr. Vernon Harcourt) did not concur. He thought that in this Court of Final Appeal, the judgments should appear to be the unanimous judgment of the Court, and that it would not be advantageous in the case of a conflict of opinion between the Judges to have conflicting opinions of the Judges laid before the public. He did not wish to have this question settled now; but before the Bill left that House the question should be settled one way or the other.

MR. BOURKE said, that although it was too late to oppose the passing of the clause he could not omit taking that opportunity of entering his protest against the transfer of the jurisdiction of the Privy Council to the New Court of Appeal. It would be a transfer not only to the New Court of Appeal, but a transfer to a Division of that Court; and he believed that the Colonies and India were quite satisfied with the way in which the Judicial Committee dealt with their appeals, and the proposition to transfer their Appeals to the New Court of Final Appeal would cause great dissatisfaction there. The Division of the Court of Appeal would not have the same authority that the Privy Council had, and he warned the Committee that the change would be disadvantageous to the litigants.

MR. MACFIE said, he did not think there was any ground for the apprehensions which the hon. Member for King's Lynn (Mr. Bourke) appeared to entertain with regard to the effect of this part of the Bill on our fellow-subjects in the colonies. The clause was not compulsory or mandatory, but merely permissive; and he felt sure it would never be put in force when either colonial or Indian appellants objected to the transfer of the jurisdiction.

MR. WHALLEY observed that our system of law was essentially a system based, not on technical rules, but on common sense, and considered that it would be a fatal step to subvert the

jurisdiction of the Privy Council and the House of Lords, by which that system was so well represented.

MR. GORDON joined with the hon. Member for King's Lynn (Mr. Bourke) in protesting against the transfer of Privy Council cases to the High Court of Appeal.

Clause, as amended, *agreed to*.

Clause 19 (Transfer of pending business); and Clause 20 (Rules as to exercise of jurisdiction) *agreed to*.

Clause 21 (Law and equity to be concurrently administered).

On the Motion of Sir FRANCIS GOLD-SMID, Amendment made, by inserting in page 12, line 29, before "in," the words "relating to or connected with the original subject of the cause or matter, and."

Clause, as amended, *agreed to*.

Clause 22 (Rules of law upon certain points).

THE SOLICITOR GENERAL proposed an Amendment whereby the proposed alterations of the law would not be confined to the High Court of Justice and Court of Appeal respectively, but would be extended to all England, stating that if it was thought necessary words could be introduced, on the recommitment of the Bill, applying it to Ireland.

DR. BALL, in opposing the Amendment, called the attention of the Committee to the state of the jurisdiction of the Admiralty Courts of England and Ireland, and in pointing out how differently it operated, said it was a strange thing that in two countries, separated only by a sail of four hours, *vis à* Holyhead, the lines of administration of the law relating to Admiralty jurisdiction, in matters of collisions between foreign vessels, were not governed by the same rules. In illustration of that, he mentioned a case of collision in the Pacific Ocean between a Swedish and an American vessel. One of those vessels arrived in Cork, which gave jurisdiction to the Irish Court of Admiralty. The Court pronounced its decision, after having heard the arguments of counsel, awarding damages; but had the ship arrived in an English port instead of an Irish one, the English Court of Admiralty would have divided the damages, in its decision, between the litigating

parties. Should the proposition of the hon. and learned Gentleman the Solicitor General be adopted, he hoped steps would be taken on the next stage of the Bill to extend its operation to Ireland, so that the administration of the law should be the same in the two countries.

Amendment *agreed to*.

MR. MATTHEWS moved, in page 14, line 34, to leave out sub-section 2, providing that no claim of a *cestui que* trust against his trustee for any property held on an express trust shall be held to be barred by any Statute of Limitations. The sub-section imperfectly stated the doctrine of the Court of Equity, and it spoiled it in stating it.

THE SOLICITOR GENERAL said, the sub-section made no alteration in the law. The words, which were not his, had been very carefully considered, and were designed merely to express the law as it stood.

DR. BALL said, he accepted the view of the hon. and learned Solicitor General that the clause did not make any change, and, therefore, he had not put down an Amendment; but the law worked great injustice in some cases of express trusts on mere incumbrances, which ought to be excepted from the rule that interest might be recovered on demand.

MR. OSBORNE MORGAN accepted the clause as declaring the law, but thought the specific mention of special trusts weakened the general clause at the end of the Bill. If his hon. and learned Friend who moved that the clause be struck out went to a division he would give his vote in support of the Motion. He doubted, however, the advantage of doing so, for on a division the opinions of hon. Members who understood the subject were swamped by the votes of Gentlemen who had not heard a word of the discussion, and knew no more of the merits of the Amendment than the most ordinary persons who might be called in out of the streets.

MR. HINDE PALMER thought it useful to have a distinct point of law specifically laid down, notwithstanding the general clause at the end; but he thought the interpretation clause ought to define an express trust. The position of trustees was by no means an enviable one. If the clause was intended to make trustees more indefinitely liable than at present, he would propose its omission;

but its object appeared to be to leave the law much where it was at present.

MR. GREGORY said, the clause would be prejudicial in its operation.

MR. T. HUGHES thought that the wording of the sub-section was open to misconstruction, and that the sub-section was unnecessary.

MR. WHALLEY said, the Bill now before the Committee was a measure brought forward by the Government professedly to establish a Supreme Court of Judicature; yet it was a Bill that would not only alter the law, but would alter it in the most absurd and unsatisfactory manner. No more dangerous course than Her Majesty's Government were now trying to establish could possibly be. Where, he asked, did their authority for introducing such a Bill come from? They had abolished the House of Lords as a Court of Appeal; and with regard to the clause under discussion, no lawyer could understand it, and he was sure he could not understand a word of it. The hon. and learned Member for Denbighshire (Mr. Osborne Morgan) had said truly that large bodies of hon. Members voted on Amendments about which they knew no more than the most ordinary persons in the streets, and in that he (Mr. Whalley) entirely agreed. Those hon. Members, when divisions were called for in the evening, rushed in from the dining-room and voted with their party. Not since the 14th century had so bold an attempt been made to supersede the Common Law of England. They abolished the House of Lords, and now they were aiming to supersede the Common Law—the greatest protection of the rights and liberties of the people; and in all matters of difference between it and equity to rule that equity should prevail. He felt in a state of trepidation, alarm, and anxiety on the objects of the proposal.

MR. VERNON HARCOURT opposed the sub-section as wholly unnecessary. It reminded him of the old story of making a large hole for the cat and a small one for the kitten. If there was no alteration of the law intended to be made by the sub-section, it was embraced in the general proposition that equity should prevail.

THE SOLICITOR GENERAL held that the sub-section was necessary not to change, but to preserve the law. The question had been carefully considered

by the highest authorities, and it was thought desirable to put in a special clause to declare that the abolition of Courts of Equity should not have the effect of depriving the administration of Equity of the valuable rule with reference to the Statute of Limitations not applying to express trusts.

SIR RICHARD BAGGALLAY suggested that the sub-section should be omitted, and reliance placed on the general provisions of the 10th sub-section, as the former would probably give rise to doubts.

MR. AMPHLETT hoped the Government would not give them the trouble of dividing against the sub-section.

THE SOLICITOR GENERAL thought the omission of the sub-section might be mischievous. It was sanctioned by a Committee which included men of the highest authority in the profession, and amongst them he would mention the names of Lord Hatherley and Lord Cairns, both of whom filled with distinction the high judicial office of Lord Chancellor.

*Amendment negatived.*

MR. GREGORY proposed, as an Amendment, in page 16, line 22, to leave out "Courts of Common Law," and insert "Court of Admiralty;" and in line 23, to leave out "High Court of Admiralty," and insert "Courts of Common Law." He thought the rule of the Admiralty should prevail especially as the same was the rule in all foreign Courts.

MR. VERNON HARCOURT supported the Amendment, as they ought, he thought, to guard against a conflict of law in respect to international matters.

DR. BALL thought neither rule ought to be retained, but that the Judge ought to be vested with a discretionary power to apportion the damage between them. He, however, preferred the Admiralty to the Common Law rule, and as it had been adopted by other countries, a power should be given to the Court to enforce it.

MR. JAMES said, he would vote for the Amendment, on the ground that it was desirable to maintain a rule of law which was well known to other countries.

MR. WATKIN WILLIAMS opposed the Amendment, as he preferred the Common Law rule to the proposed alteration.

MR. GORDON explained that the Scotch Courts acted on the Admiralty rule.

THE ATTORNEY GENERAL said, he had been all along in favour of the Admiralty rule, but had yielded to the Lord Chancellor on the point. His own private opinion had always been in favour of the Admiralty rule; and as every member of the legal profession who had spoken, with the exception of the hon. and learned Member for Denbigh (Mr. Watkin Williams), had also expressed themselves in favour of it, he could not but assent to the Amendment of the hon. Gentleman the Member for East Sussex.

*Amendment agreed to.*

On the Motion of Mr. HINDE PALMER, Amendment made in page 16, line 26, after "infants," by leaving out to and including "matter" in line 29.

On the Motion of Mr. HINDE PALMER, the remainder of the sub-section was created into a separate sub-section.

*Clause, as amended, agreed to.*

*Clause 23 (Abolition of terms) agreed to.*

*Clause 24 (Vacations.)*

MR. VERNON HARCOURT, in moving, as an Amendment, in line 10, to leave out, "upon any," to "hereinafter mentioned," in line 15, said, he had to bring before the Committee an unpopular subject, upon which he should probably have arrayed against him every member of his own profession in that House. But if the Bill were only to be framed in the interest and for the benefit of the lawyers, it would do extremely little for the cause of law reform. Up to the present moment, the Bill had done very little for the public, and everything that had been done had been accomplished for the lawyers. It had done very little to remove the long delays and the great expense of getting business transacted, which was the great object of having any Bill at all. One of the greatest difficulties of getting the law administered in that country, was the block of business, and the loss of judicial power consequent upon the fact that with reference to a great proportion of the business, it was altogether suspended for a third or fourth of the whole year. The judicial and administrative staff of

the country was more expensive than all the public Departments of the State put together; and yet they kept all that plant and capital doing nothing for the period he had mentioned. When last he called attention to this subject his table was covered with letters from solicitors stating the hardships produced to individuals by the suspension of the administrative business of the Court of Chancery during the long vacation. These were some of the evils of the law which the Bill, in its present form, did nothing whatever to remedy, and he could not reconcile his mind to allowing it to pass without asking the House of Commons not to spend £1,500,000 on one of the most costly judicial systems in the world, and yet, practically speaking, to close the Courts against the public for so large a portion of the year. Therefore his Amendment was to leave out those words which made the alteration of the vacation dependent on the will of the Judges. He could see no fair excuse for the present system; and he thought it would be for the advantage of the public if it were put an end to. If there was to be no alteration in the vacation, except upon the report or recommendation of the Judges, it would never be shortened by a single day or hour. The clause authorized the alteration of the vacation, and that in itself amounted to an admission that the present system was not satisfactory. Of course, the Judges must have holidays; but surely, they might be worked in "shifts," like miners, so as to obviate the necessity of suspending the whole administration of the law for a considerable portion of the year. Perhaps it might be asked how the barristers could take their holidays if the Courts were constantly sitting. Well, barristers could easily take their holidays; but the truth was, that those who had control of the business were afraid lest in their absence other men should slip into their places. He had always noticed that somewhat inferior men who attended to business, did it almost as well as very superior men who did attend to it; and, considering that there were as good fish in the sea as ever came out of it, he thought the public would gain by the change. The clause permitted the vacation to be modified, but it contained a Proviso, that that should only be done on the report or recommendation of the Judges,

by whose advice Her Majesty was authorized to make the rule. Now, to pass the clause in that form would be tantamount to doing nothing at all; for, if the Judges themselves were willing to make the change, the influence of the Bar would prevent them from doing so. Parliament, in his opinion, ought to take the matter into its own hands, and, therefore, the first Amendment of which he had given Notice was to omit those words which would make the alteration of the vacation dependent on the recommendation of the Judges. It would not be unreasonable to ask that our system of judicature should be made constantly available to the country; but his request was only that there should always be sitting at least one Judge to administer Equity and another to administer Law in one Divisional Court. He believed a single Judge might constitute a Divisional Court. ["No, no!"] There was a distinction between what were called Divisions and Divisional Courts. A Divisional Court, as he understood, was a section of a Division. All he asked was, that there be always sitting in London a Court competent to administer the remedies which belonged to Equity, and another those which belonged to the Common Law, as the two were effectually severed by subsequent clauses of the Bill. He was not satisfied with a Vice Chancellor administering justice perfunctorily, by coming into town occasionally during the vacation, or disposing of litigious business in Wales, or in the Lake district. In entering his protest against the existing system, he appealed to the lay Members against the legal Members, and with the view of moving afterwards a provision to the effect that there should be two Courts permanently accessible, he would now move the omission of the words requiring a report from the Judges to guide the Queen in Council in fixing terms and vacations.

Mr. C. E. LEWIS said, that the subject should be treated not only as a lawyer's, but as a suitor's question. The real point was, would the work be better done under the system proposed? He thought not. As to the chief clerks of Chancery, there were no more able, overworked, or unpaid public servants, and he believed the only inducement to men of high standing and great professional emoluments to accept the position

of Chief Clerk was that they would have a considerable part of the year to refresh their jaded intellects and weakened bodies. It was also questionable whether more work would be got out of the Judges and the Bar if they sat continuously, than was done by them in nine months.

Mr. VERNON HARCOURT explained that he never intended to work them continuously; but only to introduce such arrangements that, while all the Judges had as long holidays as now in the course of the year, the metropolis should never be left without two accessible Courts.

Mr. C. E. LEWIS contended that it was not an unmixed evil for suitors, society, or the country that the Courts should be now and then shut, and that it really encouraged unnecessary litigation by making the Courts too readily accessible at all times. He did not deny that the vacation might be shortened, but that there were others besides lawyers who were interested in the cessation of litigious business for a time.

Mr. WEST said, he should support the first Amendment of the hon. and learned Member for Oxford (Mr. Harcourt), not because he thought the vacation should be altogether destroyed, but because the Government of the day and not the Judges were the proper persons to suggest what alterations in it should be made. In his opinion, the vacation was too long. He could not support the hon. and learned Member's second Amendment.

Mr. OSBORNE MORGAN doubted very much whether the public interest would be served if the Judicial Bench were made intolerable. It was all very well for men whose professional life was one continued long vacation to grudge Judges their hardly-earned vacation. The effect of the Amendment would be that two out of four Chancellor Judges must be sitting the whole year. We must treat Judges as human beings, and not attempt to get out of them more work than they were capable of.

Mr. WATKIN WILLIAMS, in supporting the Amendment, said, he should do so not with the idea of depriving any Judge or barrister of a single holiday he now enjoyed, but in order that there might be continually sitting throughout the year, a certain portion of the High Court to dispose of urgent

business or getting through arrears. The present total suspension of legal business was a great inconvenience.

MR. LOCKE opposed the Amendment, being unwilling to leave Judges at the mercy of Governments who might dislike them, and try to treat them unfairly. He did not know why the hon. and learned Member for Oxford (Mr. Harcourt) wished to take this power from the Judges—they had not done him much harm, if they had not done him much good—or why he should think that every member of the Bar would oppose him. He thought that the proposal merely involved a waste of time, and should have been submitted to the Committee in a more clear and definite shape.

MR. RYLANDS hoped the Committee would not come to a decision on the Amendment until it had been further discussed. The hon. Member was proceeding, but was stopped, in accordance with the rules of the House.

Committee report Progress; to sit again upon *Monday* next.

And it being now five minutes to Seven of the clock, the House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### CASE OF THE IRISH CIVIL SERVANTS.

##### RESOLUTION.

MR. PLUNKET, in rising to call attention to the case of the Irish Civil servants; and to move—

"That the 'Civil Service (in Ireland) Commissioners' having reported that the dissatisfaction on the ground of the general inadequacy of the present scale of salaries, having regard to the great increase which has taken place in latter years in the cost of living, is well founded; and that 'there is no reason, based on local considerations, for giving salaries to Civil Servants stationed in Dublin less in amount than those assigned to persons in London performing analogous duties,' this House is of opinion that such general inadequacy of the present scale of salaries of the Civil Servants serving in Ireland should as soon as possible be redressed, and that

they should be placed upon an equality as to remuneration with those performing duties in England corresponding in difficulty and responsibility."

said, the question was one which did not involve the expenditure of a large amount of money, but was nevertheless of great interest to those whose position he wished to lay before the House. Last year he stated in dealing with the subject, that the salaries of the Irish Civil servants had been fixed a long time ago, when the cost of living was very low; but that since then the cost had risen with extraordinary rapidity, while the salaries of those officers had not correspondingly increased. That was felt by them to be a great hardship, especially as Civil servants performing corresponding duties in England were paid on a much higher scale. The proposal which he had made received very general support from the Irish Members, and it was met on the part of the Government by a suggestion that a Commission should be appointed to inquire into the matter. A Commission had been appointed to which nobody could have any objection, presided over by Lord Monck, and they proposed to inquire—first, into the complaints of the Irish metropolitan police; next, into the complaints of the Irish constabulary; and of the Irish stipendiary magistrates. Having finished those inquiries, they proceeded to consider the cases of the Local Government Board, and of the office of the Registrar General, and finally the general grievances of the Irish Civil servants. The investigation had been a complete and exhaustive one, and he had now to submit to the House the result of that inquiry. The Commissioners reported that the causes of the dissatisfaction existing among members of the Civil Service in Ireland were mainly divisible under two heads—firstly, the general inadequacy of the present scale of salaries, having regard to the great increase in latter years in the cost of living, and, secondly, the disparity between the rates of pay assigned to officers performing analogous duties in London and in Dublin. With regard to the first point, the Commissioners said that abundant evidence had been given to prove, that the rise in the price of all articles of primary necessity had been very great within the last 20 years, that the salaries

of the present day represented a lower amount of remuneration than in former times, and that the dissatisfaction felt on that ground was well founded. Under those circumstances, they recommended an increase in the present salaries. On the second point, the Commissioners were of opinion that in former times there existed good grounds for fixing the salaries in Dublin at the amount at which they then stood; but that, there was now sufficient evidence to show that even in the matter of house accommodation, the rents paid by persons in the same rank of life as the Civil servants were not higher in London than in Dublin. The Commissioners therefore came to the conclusion that there was no reason based on local considerations for giving to Civil servants in Dublin lower salaries than were paid to officers performing analogous duties in London. That was the Report of the majority of the Commissioners. Mr. Blackwood, one of the three Commissioners, an officer of the Treasury, did not feel himself justified in agreeing to the Report. He had made a separate statement on the subject, but in doing so, he said that his reason for not agreeing to the Report was not so much that he differed from the other Commissioners as to the conclusions at which they had arrived, as that, having regard to the orders from the Treasury, he did not feel himself entitled to report such general conclusions. Therefore, he (Mr. Plunket) submitted that, so far as the proceedings of that Commission were concerned, his case was proved. The statement he made last year had been entirely borne out by the facts. The Commissioners had found distinctly in favour of the two propositions for which he contended—that there had been an extraordinarily rapid increase in the cost of living in Dublin, and that the effect had been an absolute deterioration of the position of the Civil servants there, as well as relatively when compared with the position of those serving in England. Another objection raised last year to the case he had sought to establish was that, although the cost of provisions might be as dear in Dublin as in London, the household expenses otherwise were less; but that too had been entirely disposed of. The Commissioners had also inquired into some other matters. They attempted to draw a comparison between the posi-

tion of commercial *employés* and that of the Civil servants; but they failed to find any close analogy between the two on which they could confidently rely, with the single exception of the Bank of Ireland—a quasi-national institution. The Commissioners were informed that within the last few years, the salaries paid by the Bank of Ireland to its servants had increased £7,000 per annum; that within the last few weeks there had been a dearth of well-qualified candidates for vacant clerkships, and that a further increase in the scale of salaries was impending. But it was argued that, after all, if they could get the work well done by the Civil servants in Dublin for the present rate of remuneration the Treasury ought not to pay more. The Commission found that there was now no lack of candidates for the Civil Service; that there was some tendency—though not to any great extent—among some of the Civil servants to leave Government employ in order to better their position elsewhere; but that, notwithstanding the existing complaint as to the inadequacy of the salaries, the work in the public offices at Dublin was well done for the present scale of pay. He would not now discuss the question as to whether there ought or ought not to be an increase of the salaries of the Civil servants throughout the three kingdoms; nor would he enter into the question of the general increase of the prices of all the necessaries of life further than to express his own belief that, unless some concession was made in consequence of the greater cost of living, and the greater hardships of the position of the Civil servants, even in England, the standard of these men's qualities, their abilities, and usefulness to the State could not long be maintained at the high point it had hitherto reached, and the necessary effect must be that the prestige of the service would suffer. He was now dealing especially with the case of the Civil servants in Ireland, and he prayed the House to consider the position in which they were placed—a position which was felt to be an anomaly, and, to a certain extent, an ignominy. The Commissioners said in their Report that the Irish Civil servants were appointed by the Crown in former times, and that Irishmen were generally appointed to Irish offices; but the competitive examination changed all

that, and now if a candidate went up for examination and succeeded, he might, no doubt, go to any part of the United Kingdom to perform his duties. But how would this be found to work? Owing to the peculiar disadvantages of the service in Ireland it was only the worst of the candidates—those, in fact, who had no choice in the matter—who would go there. Now, that in his opinion, was a very anomalous position for men to be placed in, and he added that it affected the interest of the Irish public generally. They had no right to call on a young Irishman to leave his country and go elsewhere, and it was felt to be an indignity that there should be thus a kind of Pariah class in the service of Ireland. Such was the case since the application of the system of competitive examinations for entering into the service, and such would be the case for the future. But it was for the interests of the old Civil servants that he wished especially to plead. Theirs was no sentimental grievance; it had the misfortune of being a real one. They were exposed to the greatest hardship. They had accepted a certain office with certain expectations; but owing to circumstances over which they had no control, their position had become greatly altered. What had been worth £300 a year a short time ago was now practically only worth about £200; so that, instead of advancing in respect of income, they had been receding; and were daily less able to carry on the struggle of life. These Civil servants were obliged to keep up a certain position. He did not know whether it was the case in England or Scotland; but in Ireland they had been generally men of great respectability, some of them gentlemen moving in good society, and it was a hard thing that they should find themselves continually on the verge, he would not say of insolvency, but of getting into debt. Their position was becoming every day more intolerable; and many of them, he knew, were only waiting the result of the efforts that had been carried on now for several years in their behalf, to see whether it would not be better for them to throw up that line of life altogether, to forego the superannuation to which they had looked forward as the fruit of their long service, and try to begin life anew in some other occupation. With regard to the method of redress, the

Commissioners suggested a classification of various offices of the service all over the Empire. As to whether that proposal was good or bad, he would not offer an opinion, and the Civil servants in Ireland did not pretend to suggest—much less insist—as to the means by which their grievances might be redressed. If the recommendations of the Commissioners to remedy the inadequacy of the present salaries, and to remove the inequalities which existed, were honestly carried out, the Civil servants would be perfectly satisfied. They submitted that they had a pressing and a painful grievance, which, indeed, had been fully established by the Commission issued by the Government, and they prayed that it might be redressed. The hon. and learned Gentleman concluded by moving the Resolution of which he had given Notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Civil Service (in Ireland) Commissioners" having reported that the dissatisfaction on the ground of "the general inadequacy of the present scale of salaries, having regard to the great increase which has taken place in latter years in the cost of living, is well founded; and that 'there is no reason, based on local considerations, for giving salaries to Civil Servants stationed in Dublin less in amount than those assigned to persons in London performing analogous duties,' this House is of opinion that such general inadequacy of the present scale of salaries of the Civil Servants serving in Ireland should as soon as possible be redressed, and that they should be placed upon an equality as to remuneration with those performing duties in England corresponding in difficulty and responsibility," — (Mr. Plunket.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER wished to point out, in the first instance, that the words "general inadequacy," as used in the Motion of the hon. and learned Member for the University of Dublin (Mr. Plunket), did not mean what they would appear to imply when taken by themselves, but referred to the Report of the Commissioners, in which they said there was a general inadequacy, having regard to the great increase that had taken place in the cost of living. There was no finding in the Report of a general inadequacy of salaries, except in reference to that



particular matter. He did not say that there was any ambiguity in the Motion of the hon. and learned Gentleman, but still it was as well that the fact should be borne in mind. Strictly speaking, that was not an Irish grievance at all, as things were now managed, although Irish Members had been specially appealed to in reference to it. The Commissioners stated that in former days the offices in question were uniformly given to Irishmen, implying that it was reasonable they should therefore have been content to receive lower salaries. In that view he could not acquiesce, as he could see no reason why an Irishman should receive a lower salary than an Englishman or a Scotchman of the same attainments and ability. But it was not an Irish grievance, for the simple reason that those offices were no longer necessarily filled up either from Ireland or by Irishmen. It did not follow that because a man took a place in Ireland he should be an Irishman, and therefore Irishmen did not suffer any greater hardship in the case under the notice of the House than Englishmen or Scotchmen who were employed in the Civil Service in Dublin. He would observe, further, that the hon. and learned Gentleman had omitted from his speech and Motion one matter which was of some consequence—namely, that the salaries which were enjoyed by the Civil servants of the Crown were matters of contract. There was a contract between them and the Government, as representing the people, by which the Government was bound to the very letter to pay the Civil servant so much salary, increasing at a certain rate, and at the end of his service to pay him a certain pension for the remainder of his life. No circumstances whatever would justify a Government in attempting to deviate from that contract; they were absolutely and completely bound by it. Supposing the prices of provisions and necessaries of life had fallen ever so low, nobody would dream for a moment of taking advantage of that in order to lower the salaries of the Civil servants; and yet it was assumed that it was not only justifiable, but absolutely essential, that if this contract turned out in respect of the prices of provisions at all against the Civil servants they should set aside all that portion of the contract which seemed to press hardly upon them, and should ob-

tain all the benefits of that portion which was in their favour. He maintained, however, that the people of this country, who paid the Civil servants, were as much entitled to consideration in that House as were the Civil servants themselves; and that, as a general rule, they ought to adhere to contracts solemnly and deliberately entered into rather than assume that they might be set aside at any moment when the interested persons complained that they pressed hardly upon them. The hon. and learned Gentleman relied upon two grounds—first, the prices of provisions; and secondly, that the Irish Civil servants did not consider themselves paid at a rate equivalent to that paid to their brother Civil servants in England. With regard to the first, there was no doubt that there had been a considerable rise in the prices of provisions and the necessaries of life, and that that pressed the harder upon a man in proportion to his poverty. That was assumed to be a sufficient reason for altering these contracts and re-adjusting the salaries; but, as he had said, there was no such agreement or arrangement ever entered into, and what was now asked was a matter of pure grace, and it ought to be carefully considered whether it could be entertained at all. They could not wholly put the principles of economic science out of the question in such a matter. It was tacitly assumed that the price of work of any kind was regulated by the price of provisions; but there was no greater fallacy than that. The price of labour was regulated by the number of persons seeking employment of a particular description, and the amount of employment available for them. At the present moment the price of physical labour was very much on the increase, whilst the price of intellectual labour—at least of that species—was very much on the decline, and these two things were happening coincidentally with a very large rise in the prices of provisions. How, then, could it be said that the price of labour should depend upon the price of provisions? There was a tendency not to a rise, but to a fall in the labour of clerks and persons of that kind, and for the simple reason that the country had by a large expenditure of public money forced the education of the people, and had consequently raised up a large number of competitors for that

species of intellectual work. What the hon. and learned Gentleman asked was, that on account of the rise in the prices of provisions and necessities of life, they should offer higher prices for labour when the labour market was actually falling. He (the Chancellor of the Exchequer) thought that, upon whatever grounds the House might accede to the hon. and learned Gentleman's proposition, it would not be on the ground of the rise in the prices of provisions. But then the hon. and learned Gentleman spoke of a sort of symmetry that he seemed to require; he wished to have the payments made in England and in Ireland adjusted with reference to each other. The hon. and learned Gentleman said in his Motion, that the Irish Civil servants ought to be placed on an equality as regarded remuneration with those performing corresponding duties in England; but there were two ways of obtaining that equality. They might either raise the salaries of the Irish Civil servants to those of the English servants, or lower those of the English servants down to the level of the former. The latter course would satisfy not the wishes of the hon. and learned Gentleman, perhaps, but certainly the words of his Motion, and the portion of his argument that related to symmetry. If it were once attempted to regulate the salaries in Ireland, not in reference to the wants and the position of Ireland, but in reference to what was done in England, and to symmetry and equality of that kind, where did the hon. and learned Gentleman propose that they should stop? If the Government once began that process, they could not stop; they must go through the whole Civil Service, and must consider everybody's salary with reference to that of everybody else, and strike a mean. That would be perfectly symmetrical, but that it would be fair he did not believe. The question really was, however, what was to be done upon this subject. He had shown that they could not lay down the ludicrously false principle of basing salaries upon the price of provisions and necessities of life, nor yet could they rely upon the speculative principle of equalizing or comparing all salaries, and striking an equality between them, which would prevent any Civil servant receiving a shilling until the whole service was put in the same position. But

what they could do, and what he was sure would satisfy the hon. and learned Gentleman was this—they could not go into the question of a general rise of salaries, calculated on the price of provisions, for that would involve a perpetual fluctuation and change, because if a rise in the price of provisions must be followed by a rise in salaries, a fall in provisions would entitle the Government to claim a reduction of salaries; nor could they go into the question of comparing salaries, for there was a great diversity in the salaries of different offices. England was an old country, and it was a long time since she began to pay salaries. In earlier days people were not so particular about public money, and consequently the salaries of the older offices were high. Things had improved a little of late, and the salaries of new offices had been lowered. The hon. and learned Gentleman asked that they should be all put on a level, but he (the Chancellor of the Exchequer) said no; let them leave matters as they stood, and not attempt to make any sweeping change, which would only saddle the country with an enormous burden which was unnecessary and unjustifiable, for if they attempted to equalize, they must take the highest salaries and level up to them. He would say take the Departments as they stood; take the Irish Departments, for instance, and look carefully into them, not in reference to what there was in England, but to see what duties particular persons had to perform; and, above all, never attempt to raise salaries or to deal with Departments without carefully looking into all the circumstances, and the organization of each Department. They would look to the number of persons employed, and to the character and manner in which their labours were discharged, and when they had done those things they would consider the merits of each Department by itself, and deal with it in as liberal a spirit as they could. Into such a scheme the Government were ready to enter in regard to the Civil servants in Ireland, as they had already entered into with regard to England, and make use of the valuable information which they had received from the Commission. The Government were ready, either by the reduction of the numbers employed, or by better organization, to benefit the

position of those Civil servants. There was one Department in Ireland—namely, the Registration Department—in which he admitted that the salaries were too low. If the hon. and learned Gentleman who moved the Resolution would assent to that case, the Government would be willing to meet him, but they strongly objected to entering into such a speculative inquiry as he had pointed out, an inquiry which would rather retard than promote the objects which they had in view. He thought that in that manner the hon. and learned Gentleman would gain all he could expect to gain by his Motion, and he hoped, therefore, that he would see that this was the best course to be pursued, and not press the matter to a division.

MR. MC CARTHY DOWNING said, that on entering the House, he was under the impression that the Government would at once accede to the Motion of the hon. and learned Member for the University of Dublin (Mr. Plunket) because it was only carrying out the recommendations of their own Commission. He was, however, much surprised to hear the Chancellor of the Exchequer make such a speech in opposition to the Resolution. Anyone would imagine from the speech of the right hon. Gentleman that the question had never been debated before. The simple question was, whether the Irish Civil servants ought to be paid in the same proportion as in England for the same work. When the subject had been brought forward in April of last year, it had been treated by the Chancellor of the Exchequer in the same singular way, and in almost the same language, as he had just used. The right hon. Gentleman then expressed a hope that the matter would not be pressed in its then shape, and he had said the same that evening. He (Mr. Downing) at least expected that the right hon. Gentleman would tell them what would be done; instead of which, he had left them in exactly the same position as that they were in last April twelve months. Well, then, the House might naturally ask him why was the Commission issued at all? If, as the right hon. Gentleman said, it was to be considered as a mere matter of contract between the Government and the Irish Civil servants, why did the right hon. Gentleman assent to the appointment of this Commission?

*The Chancellor of the Exchequer*

The Chancellor of the Exchequer now laid stress upon the stability of a contract; but the right hon. Gentleman did not always stand by his own contract, as, for example, the Zanzibar contract, under which the right hon. Gentleman consented to giving £16,000, although an offer had been made to the Government to execute their requirements for about £11,000. The right hon. Gentleman, with that generosity which always distinguished him, consented to give the larger sum, because he said the parties to it had already suffered a considerable pecuniary loss in anticipation of receiving the contract. He, now, however, took his stand on political economy, and, notwithstanding the fact that he was himself a party to the Irish Civil Service Commission, he now told the House it was not worth the paper it was written on, because the subject was simply one of contract. What the hon. and learned Member for the University of Dublin asked was, that Civil servants in Ireland should be paid at the same rate as Civil servants in England when they performed similar duties. It was no doubt true that under the competitive system young men might select either England, Ireland, or Scotland; but that was not the case with the older men who had grown grey in the Civil Service in Ireland, and whose claims he was now advocating. The Commissioners were called upon to examine into the differences between the rates of pay of English and Irish merchants' and solicitors' clerks, and, to their surprise, they found the rates of pay in Ireland were higher than those in England. The truth was, that the same amount of money would not purchase in Ireland what it would purchase in England. He had not expected that the Motion, founded as it was on the Reports of the Commissioners appointed by themselves, would have been met in this way by Her Majesty's Government. Why had a Commission been issued at all respecting the subject, if its recommendations were to be disregarded? The matter had been before the House since 1869, when a deputation waited upon Mr. Fortescue, then the Chief Secretary. Then an inquiry was promised, but faith had not been kept with the Civil servants of Ireland. The Gentlemen who reported on the subject were entitled to the fullest consideration of the Government, and he

trusted their recommendations would have some weight in that House, and that the Amendment of the hon. and learned Member for the University of Dublin would be carried.

MR. BRUEN said, that in these matters the right hon. Gentleman the Chancellor of the Exchequer, according to his own evidence given yesterday before the Select Committee on the Civil Service Expenditure, was a dictator. When asked by the right hon. Member for Pontefract (Mr. Childers) whether the Treasury, as holding the purse-strings of the nation, had a controlling power over all the Departments of the Government, the Chancellor of the Exchequer had replied—"No; but the Treasury has control in this way—if they come to me for an increase of expenditure, I can refuse it." He objected to the matter being treated on the "hard-and-fast line" of a simple contract, into which the Civil servants entered at the commencement of their employment, and considered that those in Ireland were placed in a position of degradation by being placed on a footing of inferiority. All that the Irish Civil servants asked was, that they should be placed on a footing of equality with those holding similar offices in England. The right hon. Gentleman's argument that the salaries of the Civil servants in Ireland must be regulated by the labour market, must lead to this result, that qualification would be no longer a test of efficiency, but that all offices must be put up to a sort of Dutch auction, and the man must be selected who was willing to supply a vacancy for the least amount of remuneration.

MR. PIM, in supporting the Motion, said, the Report of the Commissioners showed that a lower rate of remuneration was paid to the Irish than to the English Civil servants, and nothing which had fallen from the Chancellor of the Exchequer went in the slightest degree to show that such an exceptional scale of payment could with any degree of reason be maintained. What might have been fair enough 30 years ago, when the cost of living was less in Ireland than in England was not fair now, and a very good case for the increase of payment had been fully made out. The Directors of the Bank of Ireland had had to increase the salaries of the clerks, and would have to go much further in that

direction. He considered the answer of the Chancellor of the Exchequer to be very unsatisfactory.

MR. OTWAY, in supporting the Motion, said, he thought the hon. and learned Gentleman opposite had, in his opinion, completely proved his case, and he should certainly vote in favour of his Motion. He wished however, before he sat down, to advert to one or two fallacies which were to be found in the speech of his right hon. Friend the Chancellor of the Exchequer. They were fallacies which were calculated to have a most mischievous tendency, and greatly to deteriorate, if not, in time, to destroy, the character of the Civil Service. The right hon. Gentleman maintained that the price of provisions ought to have no effect on the salaries of those who were thus employed. A more pedantic theory when dealing with a practical grievance he had never heard propounded. He might quote in reply to the right hon. Gentleman the action of an authority which he would be likely to respect. The present Government itself had given in that very Session, the increased cost of living as a reason for increasing the pay of those engaged in our Dockyards. He might add that the Prussian Government, which was one of the most frugal in Europe, had increased the salaries of its Civil servants for the same reason 25 per cent; while the Government of Belgium had raised the salaries of the same class from 25 to 35 per cent. If the doctrine laid down by the Chancellor of the Exchequer was adopted, they would have a discontented Civil Service, with all the mischievous consequences thence arising. The right hon. Gentleman further contended, that as long as they found men ready to accept the service at the present rates of remuneration they ought not to give any better pay. The result, however, of that would be, that they would have an inferior class of persons in those employments who were not bound by those principles of honour which guided the men now engaged in that Service. Then they would see what had been seen during the last few months—namely, men who had been long employed in the Civil Service of the country called upon to perform exceptional and responsible duties, and applying for adequate remuneration, and on being refused justice, disregarding honour and honesty, and

disclosing to the public matters which they had learnt confidentially in their office. The theories of political economy which the Chancellor of the Exchequer put forward on those occasions were, he maintained, utterly inapplicable to a practical grievance like that, and if persisted in must produce most serious mischief.

MR. O'REILLY, as a Member of the Committee which sat upon the subject, denied that that Committee had reported that because the offices in Ireland were filled exclusively by Irishmen, that might be considered a fitting reason for giving them a lower remuneration. He agreed that the State ought not to pay more than it could get good adequate and fitting service for, but the increased cost of living had necessitated higher salaries; and it should be remembered that though at one time the cost of living in Ireland was lower than the cost of living in London, and that, therefore, a lower salary meant an equal remuneration, that was no longer the case. In answer to the remark of the right hon. Gentleman the Chancellor of the Exchequer, that that was not an Irish grievance, because Irishmen did not fill those particular offices in Ireland, but held appointments throughout the Empire, he maintained that it was, nevertheless, an Irish grievance, and a serious one too, because if the present state of things continued unchanged, it would lead to those offices in Ireland being filled by the very worst class of men admitted under the system of competitive examination. The result of the inquiry he had made was, that the salaries were extremely unequal, and some of the best men were the worst paid.

MR. GLADSTONE said, that seven or eight hon. Gentlemen had advocated the cause of a class, and only his right hon. Friend the Chancellor of the Exchequer that of the nation, and therefore the House would not grudge him the opportunity of stating his view of the subject. The speech of the hon. Member for Chatham (Mr. Otway) was remarkable. He did not confine himself to the specialities of the Irish case; without any hesitation, with great decision, and with something like contempt, he flung over the whole argument of what he called political economy—that argument which maintained that public servants were to receive for serving the

public the rate of remuneration for which they were willing to enter into the public service. That, he said, had done enormous mischief and ought to be entirely rejected, and he dealt very severely with the right hon. Gentleman, because the right hon. Gentleman expressed his adhesion to that principle. The hon. Member seemed to go upon the principle of making things pleasant all round, which was a delightful thing for Members of Parliament who sat for certain constituencies. ["Oh, Oh!"] He begged pardon of those who said "Oh," but he repeated that it was a particularly pleasant method for hon. Gentlemen to recommend, when a large portion of their constituents happened to be public servants. It increased the pressure upon them. That, however, was not the principle on which the Government, as the representatives of the people, were to act. The Resolution of the House of Commons did not absolve the Government from the duty of asking the House of Commons so to regulate the public charge that the people should be served on the most moderate terms which would secure efficient servants. That was the principle on which the Government had stood, and intended to stand; and if the House disapproved it, the remedy was in their hands. Those were the views with which they approached every question of the kind. His hon. Friend did not condescend to found himself on the specialities of the Irish case, the whole tenor of his speech leading to this result—that there must be a general rise in the pay of the Civil servants of the United Kingdom, because there was a general rise in the price of provisions. The question that was now being debated was the introduction of the thin end of the wedge. If on account of the rise in prices in Ireland, they were to vote an increase in pay, by parity of reasoning there must be a corresponding rise of salaries throughout the three kingdoms. No doubt, it was perfectly true that there had been a rise of certain prices in Ireland of late years, as there had also been a fall of other prices; but the real question that was raised was, that of the general rise of the salaries of the Civil servants of the State, based on the fact that there had been a rise in the price of certain commodities in a portion of the kingdom. The hon. Member for Cork (Mr. Downing) appeared not to have

heard the speech of the right hon. Gentleman the Chancellor of the Exchequer, because he said that the right hon. Gentleman had declined to do anything. On the contrary, the Chancellor of the Exchequer in most distinct form, and with that lucidity of statement which never failed him, set out the two methods of proceeding which were before them. The Government did not deny that the salaries in Ireland required to be revised, but this process of revision, they thought, ought to go on from time to time all through the public service. He joined issue with the hon. Member for Cork and the hon. Member for Longford (Mr. O'Reilly) when they said they would not be satisfied with this examination in detail. Those hon. Members were determined on an heroic operation—upon something which should impress the minds of the Civil servants with a sense of the magnificence of the manner in which they performed their duties. It was to that wholesale operation the Government objected. For 20 years they had been beneficially pursuing the course of revision which was now going on specifically in Ireland in several important Departments; and therefore the question was, whether the Government were to be driven from that method of operation, by which they could combine augmentation of salary with redistribution of duty, and by which they could frequently reconcile an economical result with an increase of remuneration to those employed, or were they to adhere to it in Ireland as they had done and meant to in England and Scotland? The hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) founded himself upon two main allegations; and in his (Mr. Gladstone's) opinion those two allegations he had not made good. His hon. and learned Friend founded himself on the recommendation of the Commission, and came to the conclusion, that it was right the Civil servants in Ireland should be placed upon an equality as to remuneration with those who performed duties in England corresponding in difficulty and responsibility. What he (Mr. Gladstone) contended was, that there was no such proposition in the Report of the Commission. They had reported that which to his mind, implied the contrary. The Commission reported that there had been an increase of prices in Ireland; and on

that account there was a well-founded feeling of discontent at the amount of remuneration. But he (Mr. Gladstone) did not agree that because the Commissioners had so reported, the salaries should be raised. He would point out what was the immediate consequence of this doctrine. It would amount to this—that when there was an augmentation of prices, the life contracts which the public had made with its servants, and which they had accepted willingly and sought after eagerly, were to be altered in their favour. If they were contracts, they must be observed on both sides; if they were not, they must be observed on neither. If salaries were to be augmented because there was an increase of prices, even although it was shown there were plenty of efficient men still seeking and desiring employment, it followed that in the case of a fall of prices the salaries of Civil servants ought to be reduced; and there were those in the House who would remember a Motion was once made that on account of the reduction in prices there should be a diminution of 10 per cent in Civil service salaries all round. The contention on the other side was, that these salaries were to move up and down, according to the rise and fall of commodities. The Government contended, on the contrary, that the contract made with the Civil servants was altogether irrespective of the prices of commodities, and that the Civil servants were not entitled to ask for any increase of salary on the ground of any increase in the price of commodities. The hon. and learned Gentleman had founded his Motion on a sentence of the Report which implied that the Commissioners had reported that persons performing duties in England and Ireland of equal responsibility did not receive equal remuneration. The Committee, however, said nothing of the kind. They stated in the 24th paragraph of their Report, that in fixing the relative scale of salaries, the primary consideration was the comparative amount and importance of the business to be transacted, and the responsibility thereby incurred. They added, in another paragraph, that, according to that comparative importance and responsibility, the scale of salaries in Dublin would not rise as high as in London. If the exact contrary of the assertion of the hon. and learned

Gentleman were not thus directly stated, he (Mr. Gladstone) affirmed, moreover, that it was expressed in the proposition to which the evidence they had taken conducted them. But there was a second allegation which the hon. and learned Gentleman made. The hon. and learned Gentleman drew a touching picture of the condition of the Civil service in Ireland. He said that the service was losing its prestige. Well, he (Mr. Gladstone) hoped that everybody who had got any prestige would lose it. ["Oh, oh!"] He was sorry to shock the sensitive feelings of hon. Gentlemen, but had they considered the meaning of the word? It meant "false and unreal reputation." ["Oh, oh!" and laughter.] If they would trace the word to its root they would find it simply meant "juggling"; but that, however, was a verbal digression, and he asked upon what evidence it was alleged that the credit of the Civil service had diminished in Ireland. The hon. and learned Gentleman said that the pressure upon the Civil service was becoming worse and worse, and was now almost intolerable, and that the time was fast approaching when we should not have a sufficient number of qualified candidates for the various offices, while it had already arrived when the best members of the Service were quitting it to better themselves elsewhere. He (Mr. Gladstone) challenged that statement on the evidence appealed to by the hon. Member for Cork. The fact was, that the very best members of the public service were not adequately paid, and could not be, and hence many of them had quitted it to better themselves elsewhere. That had been the case, for example, with the hon. Member for Orkney (Mr. Laing), who left the public service to occupy a high position in connection with one of the large railway companies. He (Mr. Gladstone) had often expressed that opinion, because if they were paid according to the scale they deserved, a crowd of average men would rush in to enjoy it. The real question was, whether that grievance, which was inherent in the Public Service, prevailed to a greater extent in Ireland than it did elsewhere, and, above all, was it increasing? Because that was the statement of the hon. and learned Gentleman when he said that the pressure of circumstances in the service was becoming

"intolerable." He (Mr. Gladstone) said, on the contrary, that it was a diminishing, and not an increasing evil, and he could show that from page 46 of the Report, to which he had been referred by the hon. Member for Cork, who, he thought, had not very carefully studied that portion of it. It contained the Returns from the year 1845 down to the year 1871. Calling that a period of 26 years, he (Mr. Gladstone) had divided it into two portions of 13 years each. During the whole period of 26 years there were 61 cases of Civil servants who had left the Service to take better positions elsewhere; and out of the 61 cases he found that 56 belonged to the first period of 13 years, and the remainder to the second period of 13 years. Thus, because 20 years ago, men were quitting the Service at a great rate, and because that movement had now ceased, the hon. and learned Member said it would be necessary to have, not a careful revision, but a wholesale augmentation of salaries in Ireland. So that the hon. and learned Gentleman's revolutionary proposition, as it might be called, was not borne out by the figures. The House had also been told that these gentlemen had grown gray in the public service. Was their's a very hard case? They were those who came into the public service at a time when their friends and adherents and Members of Parliament "wore the knockers" of the public offices by the assiduity of the process of solicitation in obtaining interest for situations in the public service for these gentlemen which was afterwards to be converted into an ingenuous allegation of grievance. He had great respect for those gentlemen certainly, but he could not say that he thought their case was a strong one. It was not a case as between England and Ireland, or between Ireland and Scotland. The fact was that the duties of the Civil servants were more concentrated and arduous in England than in Scotland; and in Scotland, though less arduous and complicated than in England, they were, still, more so than in Ireland. Such work must be paid for in proportion as it was arduous and difficult, and if an average were struck, the pay would be highest in the country where, on the average, the work was most arduous. If it were shown, for instance, that in some poor district of England—say the South-western



Counties—public servants were paid lower rates than in London and the most populous parts of the country, exactly the same remark would apply: their pay would be lower because the duties they performed were less arduous and less responsible. It was very well for hon. Members to indulge their natural feelings of kindness and bring pressure to bear upon the Government for an increase of public expenditure in this direction. But other considerations must be borne in mind. What was the state of things in the City of London at this moment? His right hon. Friend the Chancellor of the Exchequer had said it was doubtful whether the price of intellectual labour was not falling rather than rising. His right hon. Friend meant that as an opinion only, and was not proposing a reduction of salaries based on that opinion. There was, at any rate, much to show that if the price of clerical labour was rising at all, the movement was a very slow and insensible one. If the clerks of a merchant in the City of London struck work, would he find any difficulty in replacing them? At that moment 4,000 qualified clerks were seeking employment there and unable to obtain it. With what justice to those men were measures proposed—not for inquiry, because inquiry was disregarded and almost despised—but wholesale and sweeping measures for augmenting the rates of remuneration for public servants, when there were multitudes of respectable and competent men who would gladly, if they could, take the places of the very worst paid of such servants? He trusted the House would not be led into any such snare as that which had been laid for them. They must not be misled by the case of the Bank of Ireland. Why had that Bank raised its rates of pay? Because they were insufficient to attract a sufficient supply of qualified candidates; but in the case of the Civil Service, the Commissioners had reported that the rates now paid were sufficient for the purpose. And what was the use of a reference to Prussia, notoriously the most economical country in Europe, in which the salaries of public servants had been insufficient to keep body and soul together? [Mr. OTWAY: Not in proportion to expenses.] He joined issue with his hon. Friend on that point. The salaries of Prussian officials had been

notoriously insufficient, and were connected with the want of a free organization in Prussian society, but for which such salaries never could have existed. When greater political freedom prevailed, and there arose a greater choice of employment, it was an absolute necessity to increase these salaries; and when a fair case could be shown, if the House would, by all means let the same course be taken here. By all means, even without distinct proof of that kind, let the Government be spurred and stimulated in the career of cautious and careful examination into duties and remuneration with a view to a better distribution of service—changes which resulted frequently in larger salaries, and in more efficient work done at less cost to the public. But let not the House ask the Government to do that which they could not honestly do—namely, adopt what he had called heroic measures, applicable to great masses of public servants at once—measures which, even if they conveyed momentary satisfaction to some of those whom they affected would before long lead to great financial difficulties, forfeit the title of the House to the approval of the public, and be found to constitute a great public misfortune.

SIR DOMINIC CORRIGAN, who spoke amid continued interruption, said, he trusted the hon. and learned Member for the University of Dublin (Mr. Plunket) would not withdraw his Motion. The Chancellor of the Exchequer and the Prime Minister had in their speeches contradicted the principles of political economy with reference to this question. He knew by experience that the more salaries were reduced the greater was the number of applicants for situations, for the lower the remuneration the greater would be the number to whom it would be an object, and he did not understand why the members of the Civil Service in Ireland should be treated in the way they were. He wished the House to recollect that if this was not an Irish question in the way of putting it in the words of the right hon. Gentleman the Chancellor of the Exchequer, it was certainly a question affecting the Civil Service in Ireland, and he could not recognize the airy distinction of the Minister. The right hon. Gentleman had applied the phrase “ludicrous” to the idea of taking into account the price



of provisions as an element in regulating salaries. He should be glad to know a more substantial or applicable test in regulating salaries. He added there was another mode of equalizing salaries in the Civil Service—namely, by reduction. Let him try it in England and see how he would fare. He now submitted for the attention of the House a few instances of the relative salaries for the same offices in England and Ireland in the General Register Office in each Kingdom—

	In London. per Annum. £	In Dublin. per Annum. £
Secretary . . . . .	800	500
Medical Superintendent	700	600
Superintendent . . . . .	700	400
„ 2nd Class	550	300
Senior Clerk . . . . .	420	200
Assistant Clerk . . . . .	280	150
Messenger, 1st Class	110	75
„ 2nd Class	90	60

In conclusion, he would ask the hon. and learned Member for the University of Dublin not to withdraw his Motion. If they were to expect equal loyalty they must have not only equal rights and privileges, but they must have equal pay in the two countries.

MAJOR TRENCH supported the Motion. The right hon. Gentleman at the head of the Government in addressing the House and describing the salaries of the Civil servants in Prussia before their recent increase, spoke of them as “insufficient to keep body and soul together,” and said that their increase was therefore a necessity. That accurately described the position of a large class of Civil servants in Ireland, and especially applied to the National schoolmasters. [The CHANCELLOR of the EXCHEQUER: They are not Civil servants.] If they were not Civil servants he did not know what they were. They were a large and respectable body of men, civilians who performed an important public duty, and who were paid out of the sums annually voted by Parliament. Their pay was wholly inadequate, and so was that of many other classes of Civil servants in Ireland. The Chancellor of the Exchequer said that the price of physical labour was on the increase, while that of intellectual labour was on the decline. That was true, but the increase in the former had been brought about through

strikes and combinations. In Ireland the Civil servants had not struck or used illegal means to improve their situation. It might be said that his hon. and learned Friend who moved the Resolution had been deputed by them to lay their case before the powers that were. He had done so ably, and in his opinion he had not been answered. It had been stated that the rate of pay had nothing to do with the price of provisions. When those rates were first established, they were undoubtedly based on the cost of living of that day; but anyone who knew Ireland, knew that whereas everything was cheap 18 or 20 years ago, the prices of everything had now risen to nearly the English level. His own experience enabled him to attest that fact. He was stationed in Ireland 18 years ago and could compare the difference. The Prime Minister said that because Ireland was not so prosperous as England, her Civil servants should not be so highly paid. That was no argument. If she was not prosperous, it was that her resources had not been developed, or facilities given for their development. Her Civil servants were efficient, and if, with the improvement of the country more work should be thrown upon them they would not be found wanting; but take them as they were, they ought, as expressed in the Resolution of his hon. and learned Friend, to be placed on an equality as to remuneration with their brethren in England performing duties of corresponding difficulty and responsibility. The terms of the Resolution were just and right and he hoped and believed that it would be affirmed by the House.

MR. J. MARTIN thought the position taken on that question by the hon. and learned Member for the University of Dublin (Mr. Plunket) was established by all the arguments—statistical, commercial, moral, and political—on the theory which was held in that House that they were an United Kingdom. He had been curious to hear what arguments the Government could put forward in opposition to that hon. and learned Member's Motion, because the Government also held the position that that was an United Kingdom; and all he would say as to the arguments they had adduced was that he had been very much amused by the speech of the Chancellor of the Exchequer, and very

greatly amazed by the speech of the First Lord of the Treasury.

Question put.

The House divided:—Ayes 117; Noes 180: Majority 13.

Words added.

Main Question, as amended, put, and agreed to.

*Resolved*, That the "Civil Service (in Ireland) Commissioners" having reported that the dissatisfaction on the ground of "the general inadequacy of the present scale of salaries, having regard to the great increase which has taken place in latter years in the cost of living," is well founded; and that "there is no reason, based on local considerations, for giving salaries to Civil Servants stationed in Dublin less in amount than those assigned to persons in London performing analogous duties," this House is of opinion that such general inadequacy of the present scale of salaries of the Civil Servants serving in Ireland should as soon as possible be redressed, and that they should be placed upon an equality as to remuneration with those performing duties in England corresponding in difficulty and responsibility.

#### AYES.

Anderson, G. Duff, M. E. G.  
Anstruther, Sir R. Dundas, J. C.  
Antrobus, Sir E. Enfield, Viscount  
Armitstead, G. Erskine, Admiral J. E.  
Ayrton, rt. hon. A. S. Ewing, H. E. Crum-  
Aytoun, R. S. Eykyn, R.  
Backhouse, E. Fawcett, H.  
Barclay, J. W. Fitzgerald, right hon.  
Bass, A. Lord O. A.  
Bassett, F. Fitzmaurice, Lord E.  
Baxter, rt. hon. W. E. Fitzwilliam, hon. C.  
Beaumont, H. F. W. W.  
Biddulph, M. Foljambe, F. J. S.  
Bonham-Carter, J. Forster, rt. hon. W. E.  
Bowring, E. A. Foster, W. H.  
Brewer, Dr. Gladstone, rt. hn. W. E.  
Bright, J. (Manchester) Gladstone, W. H.  
Brinckman, Captain Goldsmid, Sir F.  
Brogden, A. Goschen, rt. hon. G. J.  
Brown, A. H. Gourley, E. T.  
Bruce, rt. hon. Lord E. Gower, hon. E. F. L.  
Bruce, rt. hon. H. A. Graham, W.  
Buckley, N. Greville, hon. Captain  
Cadogan, hon. F. W. Grosvenor, hon. N.  
Campbell-Bannerman, Grosvenor, Lord R.  
H. Hamilton, J. G. C.  
Candlish, J. Hardy, J.  
Cardwell, rt. hon. E. Hartington, Marq. of  
Carter, R. M. Henley, rt. hon. J. W.  
Cartwright, W. C. Hibbert, J. T.  
Cavendish, Lord G. Hodgson, K. D.  
Childers, rt. hon. H. Howard, hon. C. W. G.  
Cholmeley, Captain Hughes, T.  
Clifford, C. C. Johnston, A.  
Cowper, hon. H. F. Johnstone, Sir H.  
Davies, R. Kensington, Lord  
Dickinson, S. S. King, hon. P. J. L.  
Dixon, G. Kingscote, Colonel  
Dodson, rt. hon. J. G. Kinnaird, hon. A. F.

Knatchbull-Hugessen, Philips, R. N.  
right hon. E. Portman, hon. W. H. B.  
Lawson, Sir W. Ramsden, Sir J. W.  
Lea, T. Reed, C.  
Leatham, E. A. Russell, Lord A.  
Leeman, G. Samuda, J. D' A.  
Lefevre, G. J. S. Shaw, R.  
Leith, J. F. Sheridan, H. B.  
Liddell, hon. H. G. Storks, rt. hn. Sir H. K.  
Lloyd, Sir T. D. Strutt, hon. H.  
Lowe, rt. hon. R. Talbot, C. R. M.  
Lusk, A. Trevelyan, G. O.  
Lyttelton, hon. C. G. Vivian, A. P.  
Macfie, R. A. Walter, J.  
Mackintosh, E. W. West, H. W.  
M'Lagan, P. Whalley, G. H.  
Mellor, T. W. Whitwell, J.  
Monseil, rt. hon. W. Winterbotham, H. S. P.  
Muntz, P. H. Young, rt. hon. G.  
Ogilvy, Sir J.  
Palmer, J. H.  
Parry, L. Jones  
Peel, A. W.  
Pender, J.

#### TELLERS.

Adam, W. P.  
Glyn, hon. G. G.

#### NOES.

Adderley, rt. hon. Sir C. Fowler, R. N.  
Agnew, R. V. French, hon. C.  
Amphlett, R. P. Galway, Viscount  
Annesley, hon. Col. H. Gavin, Major  
Arbuthnot, Major G. Gore, J. R. O.  
Archdale, Captain M. Grant, Col. hon. J.  
Asheton, R. Gray, Sir J.  
Ball, rt. hon. J. T. Greville-Nugent, hon.  
Bartelot, Colonel G. F.  
Bates, E. Grey de Wilton, Visco.  
Bateson, Sir T. Grieve, J. J.  
Blennerhassett, R. P. Hamilton, Lord G.  
Booth, Sir R. G. Hamilton, I. T.  
Bourke, hon. R. Hamilton, Marquess of  
Broadley, W. H. H. Hardy, J. S.  
Browne, G. E. Hay, Sir J. C. D.  
Bruce, Sir H. H. Henry, M.  
Bruen, H. Heron, D. C.  
Bryan, G. L. Heygate, Sir F. W.  
Callan, P. Heygate, W. U.  
Cameron, D. Hick, J.  
Cawley, C. E. Hildyard, T. B. T.  
Charley, W. T. Holt, J. M.  
Clowes, S. W. Hood, Captain hon. A.  
Cobbett, J. M. W. A. N.  
Cole, Col. hon. H. A. Hope, A. J. B. B.  
Collins, T. Hutton, J.  
Corbett, Colonel Jenkinson, Sir G. S.  
Corrigan, Sir D. Jones, J.  
Corry, hon. H. W. L. Knight, F. W.  
Crichton, Viscount Knox, hon. Colonel S.  
Dalrymple, C. Langton, W. G.  
Dalway, M. R. Learmonth, A.  
Davenport, W. B. Leigh, Lt.-Col. E.  
Dease, E. Leslie, J.  
Delahunty, J. Lewis, C. E.  
Dick, F. Lindsay, hon. Col. C.  
Digby, K. T. Lowther, J.  
Dimsdale, R. Mahon, Viscount  
Dowdeswell, W. E. Matthews, H.  
Dyke, W. H. Maxwell, W. H.  
Dyott, Col. R. Miller, J.  
Egerton, hon. W. Monckton, hon. G.  
Ennis, J. J. Monk, C. J.  
Ewing, A. Orr-Morgan, hon. Major  
Fitzwilliam, hon. H. W. Munster, W. F.

O'Brien, Sir P.	Straight, D.
O'Connor, D. M.	Talbot, J. G.
O'Connor Don, The	Taylor, rt. hon. Col.
Otway, A. J.	Tipping, W.
Pakington, rt. hn. Sir J.	Tollemache, Maj. W. F.
Percy, Earl	Trench, hn. Maj. W. le P.
Phipps, C. P.	Turner, C.
Pim, J.	Vance, J.
Powell, F. S.	Vandeleur, Colonel
Powell, W.	Wallace, Sir R.
Power, J. T.	Walpole, hon. F.
Raikes, H. C.	Watney, J.
Ronayne, J. P.	Wheelhouse, W. S. J.
Round, J.	Wilnot, Sir H.
Salt, T.	Winn, R.
Sherlock, D.	Wyndham, hon. P.
Shirley, S. E.	Yarmouth, Earl of
Sinclair, Sir J. G. T.	Yorke, J. R.
Smith, R.	
Smith, W. H.	TELLERS.
Stacpoole, W.	Downing, M <sup>c</sup> O.
Starkie, J. P. C.	Plunket, hon. D. R.

ENTAILED AND SETTLED ESTATES  
(SCOTLAND) BILL—[BILL 130.]

(*The Lord Advocate, Mr. Secretary Bruce,  
Mr. Adam.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,  
"That Mr. Speaker do now leave the  
Chair."—(*The Lord Advocate.*)

MR. GORDON said, he had received an assurance that as that was a Bill that involved the laws of settlement in England as well as in Scotland, it would not be proceeded with until it had been further discussed. Not only that, but he had been given to understand there was to be a morning sitting for that and the kindred English Bill upon the same subject, as the two ought to be taken together. He had received a distinct assurance to that effect, and he regretted it had not been kept.

MR. GLADSTONE said, he should be sorry if there was any misapprehension upon the subject. He was not conscious of having entered into any engagement reserving the Bill for a morning sitting, and all that was said was that the Bill would not be proceeded with at a very late hour, but the last discussion which engaged the House closed considerably before 12. If the Bill was kept for a morning sitting, great inconvenience would result, and they were anxious to get on not only from the fact that they were pressed by Scotch opinion, but that they were anxious to get the opinion of the House on the Bill. He must, therefore, en-

courage the right hon. and learned Gentleman the Lord Advocate to proceed.

MR. GORDON said, the Bill involved interests of the greatest importance to the two countries; and the Government ought to let the House clearly understand what it intended doing with regard to England. It struck him that if the proposals in the Bill with regard to the law of settlement were good for Scotland, they ought to be good for England also; and his own view was that legislation on the subject for Scotland ought not to take place until inquiry by means of a Select Committee should be made into the whole subject with the view of legislating for England as well. Do not let them interfere with vested rights, unless they could do so on just and clear grounds, common to both countries. The public had a deep interest in the Bill, especially in one provision of it, and in regard to that provision he wished to ask should there not be the greatest liberty given to heirs in entail to borrow money to improve their property at the ordinary rates of interest? Then, as to the law of mortmain. By a clause of the Bill it was proposed to get up a sort of law of this kind for the whole of Scotland. He had presented numerous Petitions against the Bill on behalf of numerous educational and other institutions. Many of those institutions were charitable, and they were excellently managed. Were they not to be allowed to hold real property? Was that the principle on which they were to proceed? He strongly objected to the 11th clause, which would extinguish the law of entail—a system which was well understood and prized in Scotland. Then they had introduced the law of settlement in England. Well, they had that already, and what was the benefit the Government expected would be derived from it? He altogether denied that he expected the House would go into Committee that night, and he hoped no steps would be taken until they considered the law of settlement in England, and resolved to put both countries on an equal footing.

THE LORD ADVOCATE doubted if he quite understood the remarks of the hon. and learned Gentleman. As far as he understood the views of the Scotch Members, they considered the Bill did not go far enough, and while they approved of it as far as it went, they hoped

it would yet go farther. He did not, therefore, think that the opinions of his hon. and learned Friend with reference to the measure were likely to meet with much favour in Scotland. He maintained that the laws in both countries had been placed on an equal footing in that matter a considerable time ago, although there were things which might be done in England which could not be done in Scotland. A father, for instance, was tied up during the whole of his lifetime by the entail, and he could not move even with the consent of his son. This was done in order to benefit the unborn grandchild. He should propose, if it would please Parliament to pass the Bill, to enable any father, with the consent of his son, to deal with the estate in such a way as they agreed upon. The Bill, moreover, was not intended to prevent people being charitable to public institutions, but it was intended to prevent them from conveying part of the soil of the country to trustees to hold in perpetuity for charitable purposes.

SIR JOHN HAY said, hon. Members had not the least opportunity of considering the Amendments which the Lord Advocate had placed on the Table that night.

THE LORD ADVOCATE said, he was not going to ask the House to proceed with those Amendments that night.

SIR JOHN HAY suggested that the Bill should be committed *pro forma* for the purpose of inserting these Amendments, and then reprinted in its amended form.

THE LORD ADVOCATE said, he could not accede to that course.

Motion made, and Question put, "That the Debate be now adjourned."—(*Sir John Hay*.)

The House *divided*:—Ayes 20; Noes 65: Majority 45.

Question again proposed, "That Mr. Speaker do now leave the Chair."

MR. J. LOWTHER moved that the House do now adjourn, as it was twenty minutes past 1 o'clock, and it was impossible to go on with the discussion of the Bill.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. James Lowther*.)

THE LORD ADVOCATE said, the Session was so far advanced that he must lose no opportunity of making progress with it. If they got into Committee, Progress should at once be reported.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

MR. GORDON expressed a hope that the Bill would not be proceeded with again for some days, in order that the people of Scotland might have an opportunity of seeing the Amendments which the Lord Advocate had laid on the Table that night.

THE LORD ADVOCATE said, full opportunity should be afforded, and he would accordingly not take the Bill again until Thursday in next week.

House *resumed*.

Committee report Progress; to sit again upon *Thursday* next.

#### REVISING BARRISTERS BILL.

On Motion of Mr. CHARLEY, Bill to amend the Law relating to the appointment of Revising Barristers and the holding of Revision Courts, *ordered* to be brought in by Mr. CHARLEY and Mr. HOLKER.

Bill *presented*, and read the first time. [Bill 221.]

House adjourned at half after One o'clock, till Monday next.

## HOUSE OF LORDS,

*Monday, 7th July, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—

Consolidated Fund, &c. (Permanent Charges Redemption) \* (198); Blackwater Bridge (Composition of Debt) \* (199).

*Second Reading*—Statute Law Revision \* (174);

Slave Trade (East African Courts) \* (187);

Slave Trade (Consolidation) \* (188).

*Committee*—Ecclesiastical Commissioners \* (170-200).

*Third Reading*—Agricultural Children (185);

Shrewsbury and Harrow Schools Property \* (140), and *passed*.

*Withdrawn*—Prevention of Frauds on Charitable Funds (122).

*Royal Assent*—Municipal Corporations Evidence

[36 & 37 *Vict.* c. 33]; Grand Jury Present-

ments (Ireland) [36 & 37 *Vict.* c. 34]; County

Authorities (Loans) [36 & 37 *Vict.* c. 35];

Crown Lands [36 & 37 *Vict.* c. 36]; Vagrants

Law Amendment [36 & 37 *Vict.* c. 38]; Fairs

[36 & 37 *Vict. c. 37*]; Gas and Water Provisional Orders Confirmation (No. 2) [36 & 37 *Vict. c. lxxxi*]; Railways Provisional Certificate [36 & 37 *Vict. c. lxxiv*]; Metropolitan Tramways Provisional Orders (No. 2) [36 & 37 *Vict. c. lxxv*]; Local Government Provisional Orders (No. 2) [36 & 37 *Vict. c. lxxii*]; Local Government Provisional Orders (No. 3) [36 & 37 *Vict. c. lxxiii*]; Metropolitan Commons Supplemental [36 & 37 *Vict. c. lxxvi*].

#### ARMY—THE EDUCATION OF OFFICERS.

##### QUESTION.

LORD DE L'ISLE AND DUDLEY asked the Under Secretary of State for War, Whether arrangements might not be made whereby gentlemen who have qualified for direct commissions, and who may have to wait for some considerable time before being appointed to regiments, might not be sent at once to undergo the prescribed course of study at Sandhurst? He regretted that a question of so much importance should not be brought under their Lordships' notice by some one more competent to deal with it—but what he objected to, in common he believed with the great majority of the military profession, was that young men entering the Army, having successfully passed their competitive examination, after being a year with their regiments, were sent to Sandhurst for a year's study. In fact, after being for a year recognized as regimental officers, they were re-converted into school-boys. This was said to have been adopted from what was done in Prussia. But what might suit the Prussians very well, where the whole system of training was arranged in conformity, he thought it would be found repugnant to the habits and feelings of young Englishmen. If the young gentlemen who had qualified themselves for direct commissions were sent to Sandhurst at all, it should be immediately after passing the competitive examination, when still accustomed to the restraints of scholastic life, and when they were more likely to render a strict obedience to the regulations. It was unwise, when they had had 12 months' acquaintance with regimental duties and with their brother officers to take them from their regiments and send them to a military seminary.

THE MARQUESS OF LANSDOWNE replied that, as a rule, gentlemen who proved themselves qualified for direct commissions would obtain them without delay, and when any delay occurred, it

was highly improbable that the interval between the date of their qualification and that of their appointment would be of sufficient length to enable them to complete the prescribed course at Sandhurst. He was happy to say that the gentlemen who qualified at the last examination would probably be provided with commissions within a very short time—probably within two or three weeks. This remark did not apply to a certain number who had passed for West India regiments or the Household Brigade. There were some cases, also, of gentlemen who might have obtained commissions without loss of time, but who had signified to the military authorities that they preferred to await a vacancy in some particular regiment rather than accept a commission in some other regiment actually vacant. It should be borne in mind that the last year or two had been exceptional, the new system having been introduced at a time when there were a very large number of names on the Commander-in-Chief's list, and when moreover a considerable reduction had been made in the establishment of officers, and the delay arising from these circumstances would not be likely to recur. It was intended in future to accept only as many candidates as there was a reasonable prospect of providing with commissions at once. The noble Lord's suggestion would involve the inconvenience of sending to Sandhurst young men waiting for commissions, together with those who had been a year with their regiments. Moreover, the limited accommodation at Sandhurst precluded the admission of a fresh class of students, and the course of study presupposed a year's military experience, acquired with the officer's regiment, without which the instruction provided would not produce the desired advantages. Whatever the House might think of the expediency of making the Sandhurst course the beginning of the officer's career, it was obvious that this and the existing system could not be tried concurrently.

LORD DE ROS said, it was incorrect to suppose the Military Education Commissioners recommended the present system, or that it was adopted in imitation of the Prussian, or any military system of education. When he, as a Member of the Education Commission, in common with his Colleagues, desired to obtain infer-

mation as to military education on the Continent, they deputed Captain Hozier, who was an excellent linguist and well acquainted with the subject, to go over and make inquiries, and his Reports, printed in the Appendix, showed that nothing of the kind was practised in foreign armies. He could not conceive anything more injudicious than the present course. Young officers were taken away from their regiments just as they were acquiring a knowledge of their duties, and by an absence of 12 months at the College of Sandhurst would certainly on their return have forgotten much they had learned. Such, at least, was the opinion of some of the best lieutenant-colonels, whom he had consulted on the matter. The Duc d'Aumale had remarked that soldiers should not only receive military instruction, but should belong to a military family; should have a military home; where they know and were known to everybody. If this applied to the soldiers, it was still more applicable to the officers, but the 12 months at Sandhurst interrupted this thorough acquaintance with the regiment, throwing together a number of young officers strangers to each other, under no wholesome control of senior officers, whom they must look up to and obey during their future regimental career, and subjected to an anomalous academic discipline, as disagreeable to their feelings, as useless for any military training. Moreover, some of the existing arrangements were singularly injudicious. For instance, cavalry officers sent to Sandhurst were not allowed to take their horses with them unless they paid for their care and keep at an Inn, though every military man was aware that for any extended reconnoissances an officer without being mounted could learn nothing. Again, military administration and military law could be much better mastered with the regiment than at Sandhurst. Strategy was taught there, but this was beginning at the wrong end; and history and geography were unwisely omitted. As to geography, it was the element of all others most important in any military education. It could not be cultivated too early, and it was a study that must be followed up by an officer throughout his whole career. It was well known that if one thing more than another contributed to the late successes of the Prussians, it was the wonderful knowledge of the

geography of France shown by their officers of all ranks. Moreover, the well-informed and the ignorant officer alike had to stay 12 months at Sandhurst, learning what could be better acquired with the regiment. He objected, as a professional man, to a system which was fraught with mischief.

LORD VIVIAN asked for an explanation of the statement that an officer could wait for a commission in a particular regiment? He had not understood that an officer was left any choice as to the corps with which he would serve.

THE MARQUESS OF LANSDOWNE explained that it sometimes happened that a gentleman would desire a commission in a particular regiment, and took the chance of having to wait a little longer than would otherwise be the case.

THE DUKE OF RICHMOND said, he presumed the noble Marquess did not intend to convey the impression that a cadet had a right to a commission in a particular regiment. Hitherto appointments to first commissions had rested with the General Commanding-in-Chief, and no such thing had been heard of as a young officer having a preferment for going into this or that regiment.

THE MARQUESS OF LANSDOWNE said, no change had been made in that respect.

LORD STRATHNAIRN said, he had heard from all officers with whom he had conversed an unfavourable opinion on the arrangement by which young officers after a year's service with their regiments were sent to Sandhurst for study. With the regiment, they were in the position of commissioned officers. After having passed their drill, they mounted guard, sat on courts-martial, acted as orderly officers, and were the companions and equals of their brother officers. A young officer was the object of the kindly interest of his brother officers, and with the prospect of an honourable career he viewed his regiment as his home, and felt indemnified for the home he had left. After 12 months all this was interrupted, and he was sent to Sandhurst, where the companionship of his equals in social life was not possible. Moreover, it was impossible in a year with the regiment to acquire the proper degree of efficiency, and Mr. Cardwell, in instituting this system, could not have been aware of the wise provisions of the Queen's Regulations.

LORD DE L'ISLE AND DUDLEY in reply, urged that officers awaiting their commissions should be allowed to go at once through the Sandhurst course, and that some other mode should be devised of instructing officers who had joined their regiments.

#### ROYAL MILITARY ACADEMY, WOOLWICH—EXAMINATIONS.

LORD DE ROS, who had given Notice to call the attention of the House to the selection of subjects periodically published for examination of candidates for Woolwich Academy; and to ask, If the general officer at the head of the Academy is at all consulted in preparing that selection; and to move that an humble Address be presented to Her Majesty for, Copies of the four last published lists of subjects, said, that seeing *Romeo and Juliet* among the subjects announced for a recent examination, he wrote to his friend, Sir Lintorn Simmons, whose practical character, as an officer, he knew, to ask what had induced him to sanction it. Sir Lintorn Simmons replied that he had no voice in the matter. The Royal Commission on Military Education, adopting the Duke of Wellington's principle of examining candidates to see whether they had had the proper education for gentlemen, recommended the abolition of the Council of Military Education, and the appointment of a Director-General of Education, for which post his Royal Highness had selected General W. Napier, a highly accomplished and esteemed officer. Now, surely, the choice of subjects ought to be, to a certain extent, in his hands, or the Civil Service Commissioners should, at least, consult him in the matter. He noticed in the list *Chaucer*, *Spenser*, the *Epistles* of Horace, and other authors from the perusal of whom a taste was likely to be formed in after-life, but who inspired distaste when imposed, as a study, on young men who saw in them no immediate practical utility. In Mr. Edgeworth's admirable work on professional education, this proposition was argued with great ability. Lord Stanhope's *History of England* or *History of the War of Succession* would be much more suitable; but what possible effect could the study of *Romeo and Juliet* have upon the scientific and mechanical education of

Woolwich? He also noticed, among the subjects for examination, the *Areopagitica*, which—though he was aware that the Areopagus was a Greek tribunal—puzzled him, and it was not till after vainly consulting several dictionaries that he found that the word *Areopagitica* was said to have been originally derived from some tradition of a trial of the God Mars for homicide, which trial was conducted by Twelve Gods and Goddesses, when six being on one side and six on the other the accused was acquitted. This seemed a precedent for the recent proposal of the noble Earl (Earl Russell) as to Irish juries. Moreover, as soon as this curious list of subjects was published, the crammer came forward to “coach” his pupils in every detail of the works so fancifully selected—a very unwholesome system. He could not think that the selection of subjects was at all suited for young men studying for the Army, and as their Lordships were practical judges on the subject, he thought he should have their support in urging a more common-sense view as to the propriety of issuing subjects for the examination of Woolwich candidates of more elementary nature, and more likely to be of service in preparing them for the course of instruction they would be required to pursue in the academy of Woolwich, which was specially intended for training cadets for the service of Engineers and Artillery.

THE MARQUESS OF LANSDOWNE said, the subjects of examination for admission to the Royal Military Academy were laid down in the Regulations for first appointments in the Army. Those Regulations were framed upon the Report of a Royal Commission, of which the noble Lord was himself a Member, as also were Sir Lintorn Simmons (the present Director General of Military Education), General Napier, and Lord Northbrook. The examination was conducted, in accordance with the recommendations of the Commission, by the Civil Service Commissioners, who selected the period of history and the particular authors prescribed for each examination. The Commissioners notified their selection to the Director General of Military Education, who published the particulars in the newspapers or otherwise, and who had an opportunity—of which he sometimes availed himself—of signifying to the Secretary

of State any objections he might possibly take to the recommendations of the Civil Service Commissioners. The Governor of the Royal Military Academy was not, however, consulted. The authors were selected generally with reference to the period of history prescribed by the Civil Service Commissioners. He should be able to place in the hands of the House the list of authors for the last four examinations, when the House would see that, with the exception of one or two classical plays of Shakespeare, and of parts of the works of Chaucer—the authors selected either had reference to the events which took place during the period of history selected, or else the works were written during that period of history itself. He confessed that he had listened to the noble Lord opposite (Lord de Ros) with feelings of surprise. He objected to the selection of *Romeo and Juliet*. Now, it was just conceivable that the noble Lord might anticipate with apprehension the effects of reading the balcony scene upon the imagination of some young lieutenant. But when the noble Lord went on to profess his surprise at the selection of the *Arropagation*, and to ask the House what that treatise was, he confessed to feelings of bewilderment. With regard to the intention of these examinations he might remind the House that they were not intended as tests of the military acquirements of a candidate. The Royal Commission took this view, and their Report contained these words:—

“To the general character of the entrance examinations recommended by us we have already alluded. They have been designed with a special reference to the curriculum adopted at the most advanced of our public schools, and with the express intention of enabling the competitors to come straight from one of those establishments to the examination hall, without having occasion to resort to any intermediate place of study.”

“Moreover, as we have already observed, it is very desirable that no instruction should be rendered purely technical until after the foundations have been laid of a sound liberal education.”

That was the view of the Royal Commissioners, and he thought it was a sound one. It was a misapprehension to consider the examinations as forming any part of the course of military education. Their object was, not to test the military acquirements of the candidate, but to ascertain whether his general culture fitted him for admission to the

Queen's service. He agreed with the noble Lord's condemnation of “cramming,” but the new system tended in an opposite direction. If the candidate had to take up the whole of English literature or history he would resort to a system of “tips,” or a *memoria technica*, and his acquaintance with the subject would be only superficial; whereas the specification of a particular period and particular authors gave him a fair chance of acquiring a solid groundwork in an important part of our history.

#### AGRICULTURAL CHILDREN BILL.

(The Lord Henniker.)

(NO. 185.) THIRD READING. BILL PASSED.

Bill read 3<sup>a</sup> (according to Order) with the Amendments.

LORD HENNIKER said he had again to propose the Amendment which he submitted on the Report. Reformatory schools were under inspection, and were under the Secretary of State for the Home Department. They were placed under general rules and regulations, part of one of which was that—

“The secular instruction shall consist of reading, spelling, writing, and ciphering, and, as far as practicable, the elements of history, geography, social economy, and drawing. It shall be given for three hours daily.”

The rules for industrial schools made the same provision. The Secretary of State had power to deduct from the grant if these rules were not complied with. Under these circumstances there was surely a sufficient safeguard that the children would be properly educated. The intention of the Education Act was not to interfere with these schools, and he certainly would have inserted a clause in the first instance had he not imagined they were exempted from the restrictions of the Bill by virtue of the Acts under which they were established. As to the particular school he had mentioned in Northamptonshire, where the labour of the children was let, he found the educational portion of the instruction spoken of most highly in the last Report of the Inspector, as indeed it was in most cases in other schools throughout England and Scotland. The Bill would affect but very few children, it was true, as the account given of the admissions to reformatory schools in 1871 would show. Out of 1,575 admitted, all but 28 were above 10; 1,340 (or about three-fourths) were above 12,



and 760 (or nearly half) were above 14 years of age. In order, however, to avoid interference with special Acts, and with the good work which these schools were doing, he proposed this clause. He must remind their Lordships that, if the clause of exemption was not inserted, children in these schools could not profit by the exemptions of the Bill, for no doubt schools would be provided everywhere within two miles, and in this case, under the interpretation clause, they could never qualify for a certificate of attendances or of proficiency; and no one could say for a moment that children ought to be educated away from the reformatory school to which they had been sent—in fact, no manager would consent to such a course being adopted. In deference to the opinion of the noble Duke (the Duke of Richmond), so good a friend to education and to this measure, he would gladly have proposed an addition to the clause. There was a great deal in the objection of the noble Duke, but he found it almost, if not quite, impossible to meet it. For the reasons he had stated, and after representations made to him by experienced managers of reformatory schools, he did not think it right that these schools should be included in the Bill, and he hoped their Lordships would agree to the addition to the clause for the purpose of exempting them.

*Amendment moved*, at end of Clause 10, insert—

“Nor shall the said provisions apply in the case of any child for the time being detained in a certified reformatory school or in a certified industrial school within the meaning of the Reformatory Schools Acts, 1866 and 1872, and the Industrial Schools Acts, 1866 and 1872, respectively.”—(*The Lord Henniker*.)

After a few words from the Marquess of SALISBURY, the Marquess of REPOH, and the Duke of RICHMOND,

*Amendment agreed to.*

Further Amendments made.

*Bill passed*, and sent to the Commons.

#### ARMY—MILITIA RESERVE.

##### MOTION FOR AN ADDRESS.

THE EARL OF GALLOWAY rose to move that an humble Address be presented to Her Majesty, praying that the conditions under which militiamen were induced to enrol in the Militia Reserve

Force during the years 1868, 1869, 1870, 1871, and 1872 may not be annulled retrospectively as proposed by paragraph 1, clause 38, of the Auxiliary and Reserve Forces Circular, dated War Office, 21st April, 1878; but that the operation of this clause shall commence only from the date of its issue. The noble Lord the Under Secretary for War had, on the 18th of June, been asked a Question by his noble Friend (the Marquess of Exeter), respecting the amount of bounty which was refused to men of the Militia Reserve who enlisted in 1868, and whose term of service did not expire till after the training of 1873; and he (the Earl of Galloway) must say that the answer the noble Lord gave in return to the Question was anything but satisfactory. He thought, indeed, that something like a breach of faith—unintentional, no doubt—had been committed by the War Office towards the men who had enlisted in the Militia Reserve. In 1868, it was thought advisable to establish a new military force called the Militia Reserve. The conditions of entering it were that an ordinary militiaman who met with the approval of his commanding officer, and who had been two years in the force, might be enrolled in the Militia Reserve, whereby he became available for drafting into any regular regiment during his five years in the event of either actual or imminent declaration of war. The point in dispute was the amount of emolument this man became entitled to after enrolment in the Reserve. The original Order was issued on the 9th of May, 1868; and that was followed by an explanatory Memorandum on the 23rd of April, 1869. He maintained the meaning of the original Memorandum was the man should be paid £1 on attestation, and £1 at the close of every subsequent training during his Reserve engagement; but in the explanatory Memorandum the second “£1” was omitted. But without this the Memorandum had no meaning whatever. The understanding these men believed to have been come to with them was that they should receive £1 on entering and £1 a-year for each of the five successive yearly trainings which they agreed to serve. In 1868, they were enlisted, and would consequently be entitled to £6 in 1873. Hitherto the men had received their £1 every year; but on the 23rd of April in the present year an Order

*Lord Henniker*

was issued from the War Office stating that to preclude misunderstandings as to the Militia Reserve bounty, the Militia Reserve man was only entitled to receive for his five years' service a total of £5. The men would not understand this as a performance of the engagement made with them. It must be remembered that ordinary Militiamen made many sacrifices in entering the Reserve force. In the first place, at the end of four years' service he received £1 6s.; he got on being enrolled 15s., which made £2 1s. Added to this he generally got a free gift and the price of his kit, which made altogether about £8. He contended that under all the circumstances of the case the decision of the War Office was a breach of faith, and he hoped it was not yet too late to rectify it. It might be followed by very serious consequences. For example, the regiment which he had the honour of commanding, assembled last week, but the number of men absent amounted to at least 40 per cent. He would have to join in the course of the following week, and what was he to do? He was told by a high military authority that he ought to arrest and punish those who absented themselves as so many deserters; but how was he to accomplish that? In the first place, the police did not display any great energy in arresting deserters from the Militia, because they did not now receive any reward for exercising that part of their duty, and he feared that in many cases they sympathized with the offenders. There were already many grievances alleged, and if this one were added he thought this old constitutional force would dwindle away to a considerable extent.

*Moved* that an humble Address be presented to Her Majesty, praying that the conditions under which militiamen were induced to enrol in the Militia Reserve Force during the years 1868, 1869, 1870, 1871, and 1872 may not be annulled retrospectively, as proposed by paragraph 1, clause 38, of the Auxiliary and Reserve Forces Circular, dated War Office, 21st April 1873, but that the operation of this clause shall commence only from the date of its issue.—(*The Earl of Galloway.*)

THE MARQUESS OF LANSDOWNE said, the difficulty, in so far as it had practically arisen, was limited to those Militia Reserve men who engaged in 1868, and whose engagement expired this year. After the conversation which took place some time ago he had com-

municated with his noble Friend opposite, and had also referred to the documents. The question was under what contract did those men engage. The terms of their engagement were to be found in the Act of 1867, and in the Regulation of 1868, which was signed by Sir John Pakington. When he gave his answer to the noble Marquess (the Marquess of Exeter) at that time, he believed that the engagement was for a service of five years in consideration of a payment of £5. He still believed that this was intended, and he should not despair of bringing forward a good technical argument for refusing the sixth £1 to those men who had only five trainings. But this was not a case for such technical arguments. The Government were dealing with an important force, whose education as a rule was not very high, and any appearance of bad faith was to be avoided. Acting under this view, he had laid the documents before the Lord Chancellor, and begged him to advise him what was the contract apparent upon the face of the papers, regardless of technical construction. The noble and learned Lord had advised him that its obvious interpretation did not exclude the payment of a sixth £1 to those men who had engaged in 1868 on account of the training of 1873. They would therefore receive the sixth £1, not as a matter of right, but because Her Majesty's Government thought that if there was a doubt as to interpretation that doubt should be ruled in their favour. As a consequence, all the Militia Reserve men similarly circumstanced, and who engaged after 1868, but before the issue of the Circular of 1873, would get their sixth £1 if their fifth training was held within the period of their engagement. This difficulty would, he trusted, not arise in the case of future engagements, because a Bill was now in progress whereby Her Majesty's Government proposed to extend the service in the Militia Reserve from five to six years, with a bounty of £6—£1 for each year's liability.

THE DUKE OF BUCCLEUGH expressed his great satisfaction at hearing the statement of the noble Marquess, because there was great dissatisfaction among these men when they were told they were not to receive the bounty this year. Whatever might be the noble Marquess's estimation of the education

of these men, they were at all events shrewd enough to form a judgment as to their rights.

Motion (by leave of the House) *withdrawn.*

PREVENTION OF FRAUDS ON CHARITABLE FUNDS BILL. (No. 122.)

(*The Earl of Shaftesbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF SHAFTESBURY, in moving that the Bill be now read the second time, said, its object was to put an end to those fraudulent cases in which, under the name of charitable associations, certain persons succeeded in obtaining money from the public, which they misapplied, and spent for their own purposes. The Charity Organization Society, of the labours of which he could not speak too highly, had clearly shown to what an extent the fraudulent system to which he referred was carried. That Society had a local committee in almost every district in London, and had done everything in its power to bring offenders to justice. As to the associations against which its efforts were directed, their committees consisted, for the most part, of mere dummies, the names upon them representing persons who had no existence. In a vast number of instances there was only one man, having a small room, who issued reports and collected money, which he spent after his own fashion. The present law was not sufficient to deal with this matter—as in the instance of the Bible and Clothing Society, which had been prosecuted by the Charity Organization Society. It was shown that very considerable sums of money had been received by that society; but as it was proved that a certain number of Bibles and a certain quantity of clothing—merely nominal—had been purchased, it was relieved from the charge of obtaining money under false pretences, and the charge was dismissed; and he feared the result would be the same in most cases, the law being imperfect. He had a list of 16 of these societies whose receipts averaged, he found, £18,410 a year, and he believed he was within the mark when he stated that between £300,000 and £400,000 per annum was

raised in that way throughout the country. It was desirable, then, he thought, that the law should, as far as possible, be brought to bear on abuses of that kind, for the perpetration of which the penny post, the telegraph, and other modern improvements afforded increased facilities. To meet the evil he proposed that every charitable society should keep proper books of account, containing particulars of all money or goods received by them, the names of the donors, and the manner in which all moneys received have been applied, a register of all officers, agents, and others; and should in every prospectus or report, declare where these registers might be inspected. He further provided for the inspection of these books by any person interested, or his agent; and that it should publish yearly a balance-sheet to these provisions; and to that every honest society would not, he felt sure, have any objection to submit. Their Lordships would observe that he did not propose the enactment of any new law, but for an application of existing laws—such as the Larcenies Act, the Charitable Trust Act, and the Companies Act—to cases of abuse which were not adequately dealt with by the existing law. It might be contended that it would be better to have the societies registered; but he did not think the registration of Friendly Societies had produced any great effect in the prevention of frauds; in fact some of the greatest frauds had been practised under cover of the Friendly Societies Act; while as to the argument that there was no good reason why the Legislature should try to protect people against the consequences of their own folly, he would merely observe that a woman had only the other day been sent to prison with hard labour merely for procuring money by fortune-telling, while the law also stepped in to protect shareholders against fraud. If their Lordships gave a second reading to the Bill he did not propose to press the measure any further this Session, but he desired to have it circulated throughout the country, with a view to effective legislation, if possible, next year.

*Moved, "That the Bill be now read 2<sup>d</sup>."*  
—(*The Earl of Shaftesbury.*)

THE MARQUESS OF SALISBURY said, he had no doubt of the excellence

*The Duke of Buccleuch*

of the noble Earl's object in bringing forward that measure; but he thought the mode in which he sought to accomplish that object was open to great objection. There were a large number of people who chose to intrust their money for charitable purposes without taking the least precaution to ascertain the character of the persons to whom they intrusted it, or the reality of the object for which the money was asked; and by this Bill it was proposed to protect those people by placing every person, whether innocent or guilty, under a series of restrictions and regulations which would be intolerable. The noble Earl had referred to a considerable number of societies in London; but he would ask him to consider what the effect of the Bill would be upon many of the small charities in country districts? Take the case of a parochial clothing fund, in which the wife of the parson associated with a few other ladies in the parish to benefit the poor. Those ladies would be required by the Bill to keep or cause to be kept a book or books containing particulars of all moneys or goods received by them; particulars of the manner in which all moneys received by them had been paid or applied; to keep a register of all officers, agents, collectors, and all other persons, whether paid or unpaid, who might be in any wise employed by or assist in the management of such charitable association. They were further required to allow donors to inspect the register and all other books or documents for at least two hours during every day in which the office of the association was open for business, and also to send them every year a report and balance-sheet, giving full, true, and particular accounts of all receipts and disbursements. Any person contravening these provisions was to be liable to a penalty of 40s. for every offence. It was very hard to impose those severe restrictions on persons who were pursuing a laudable object in various parts of the country. If the noble Earl could not devise any other remedy except by harassing and worrying those innocent people, it would be better to let fools remain unprotected. Clause 4 declared that any person who, among other things, destroyed, altered, mutilated, or falsified any book or paper belonging to any charitable association, should be liable to be imprisoned and kept to hard

labour for any period not exceeding six months. So that if a clerk within the office of a charitable association tore up a paper he might be sent to prison for six months. Again, a like penalty was imposed on those who published or concurred in publishing any written statement or account which turned out to be false. The impression left upon his mind by a perusal of the Bill was that it had not passed through the hands of a Parliamentary draftsman; the penalties proposed were out of all proportion to the offences dealt with; and any clear case of fraud such as was here provided against would be much better dealt with by the ordinary law.

THE LORD CHANCELLOR agreed that the Bill, however excellent in intention, was entirely impracticable, and it was a serious question whether their Lordships should give it a second reading. The effect of passing it would simply be that no man or woman of sense would have anything whatever to do with any charitable institution. Let their Lordships only conceive of excellent charitable ladies in town or country, not accustomed, perhaps, to business, if they "omitted, or concurred in omitting, any material particular in any book of account or other document," being liable, without the option even of a fine, to be kept to hard labour for any term not exceeding six months, and if the offence were repeated, to be sentenced to penal servitude for a term not exceeding seven years.

THE EARL OF SHAFTESBURY said, that after what had fallen from the Lord Chancellor, he would not press their Lordships to read the Bill the second time. But it was no encouragement to any person wishing to remedy a flagrant and admitted abuse to find himself at the outset met, not with the support which he might have expected, but with language such as might make him shrink from his attempt.

THE LORD CHANCELLOR assured the noble Earl that he did not attribute to him, but to the draftsman of his Bill, the provisions which he had criticized. The noble Earl would admit that those who were responsible for the administration of the law, and for advising either House of Parliament as to the effect of Bills to amend the law, ought to be most careful before they committed themselves to provisions of

the nature of those to which he had referred, and that if they were of opinion that more harm than good would be done by them, it was the duty of one occupying his position to point out that such, in his opinion, would be the effect of the measure.

Motion and Bill (by leave of the House) *withdrawn*.

House adjourned at half past Seven o'clock, 'till To-morrow, a quarter before Five o'clock.

## HOUSE OF COMMONS,

Monday, 7th July, 1873.

MINUTES.]—NEW MEMBER SWORN—Hon. Henry Windsor Villiers Stuart, for Waterford County.

SELECT COMMITTEE—*Report*—Juries (Ireland) [No. 288].

PUBLIC BILLS—*Ordered—First Reading*—Medical Act Amendment (University of London)\* [224]; Ulster Tenant Right\* [225]; Railways Amalgamation\* [227]; Prisoners on Remand\* [226]; Elementary Education Act (1870) Amendment (Application for School Board)\* [228].

*First Reading*—Crown Private Estates\* [222]; Local Government Board (Ireland) Provisional Order Confirmation (No. 2)\* [229].

*Second Reading*—Military Manœuvres\* [215]; Conspiracy Law Amendment [190]; Public Meetings (Ireland) [157], *negatived*.

Committee—Supreme Court of Judicature [154]—*R.P.*; Public Records (Ireland) Act (1867) Amendment\* [217]—*R.P.*

Committee—*Report*—Militia (Service, &c.)\* [216]; Seduction Laws Amendment [10-223].

*Considered as amended*—Highland Schools (Scotland)\* [202].

*Withdrawn*—Trade Marks Registration\* [133]; Prevention of Crime\* [36]; Bank of England Notes\* [191]; Building Societies (No. 3)\* [195]; Fisheries (Ireland)\* [181]; Public Prosecutors\* [173]; Consolidated Rate\* [148]; Minors Protection\* [69]; Roads and Bridges (Scotland)\* [45]; Building Societies\* [109].

## CHURCH DISCIPLINE—LETTERS OF THE PRIMATES.—QUESTIONS.

VISCOUNT SANDON asked the First Lord of the Treasury, Whether his attention has been called to the public admission by the Archbishops of Canterbury and York that there is "a real danger" of "a considerable minority of the clergy and laity of the Church of England desiring to subvert the principles of the Reformation," and to their

assertion in the same document that "the very existence of our national institutions for the maintenance of religion is imperilled;" and further to the fact, that 480 clergymen of the Church of England have petitioned Convocation in favour of the revival in the Established Church of Sacramental Confession, of an order of Confessors, and of many other services and ceremonies abolished at the Reformation; and, whether he will be prepared to introduce a Bill next Session, in accordance with the Second Report of the Royal Commission on Ritual, passed by a large majority of the Commissioners, whereby "a speedy and inexpensive remedy shall be provided for parishioners," against the introduction into their parish churches of certain practices at variance with the usages and principles of the Established Church, and "the bishop shall be bound to inquire into" the formal complaints of parishioners, and "to enforce summarily the discontinuance" of all such illegal practices?

MR. GLADSTONE: Of course, Sir, the Government has obtained the same information on the subject referred to as has the rest of the public, through the medium of the public journals. But we have obtained officially no information, and we do not think that the subject comes before us in a manner connected with our public responsibilities. In regard to the noble Lord's second Question, which no doubt refers to the Report of the Commissioners on Ritual, dated in the year 1868, in that Report the Commissioners offered certain recommendations in regard to the relations of the Church, and the regulations in respect to the introduction of vestments, lights, and incense. As I understand, I do not imagine that that particular question has any connection with the subject-matter of the noble Lord's first inquiry. But when the noble Lord asks me whether the Government will be prepared to bring in a Bill next Session, in accordance with the Second Report of the Royal Commission on Ritual, I am bound to say that the Government have not taken into their consideration what Bills they may or may not introduce next Session. In respect to the subject itself—namely, that of protecting members of the congregation of the Church of England against any alteration in regard to matters of ceremonial

*The Lord Chancellor*

—that, I admit, is a sound principle. That is the principle on which I understand the recommendations of the Commissioners were based. Probably the noble Lord's information is as good as mine when I state that neither the present nor any former Government has ever moved to bring in any Bill on the subject. As I understand, the reason given for not doing so was that it was supposed that the questions which were pending in the Ecclesiastical Courts would lead to a settlement of these matters; but upon neither of the subject-matters of these Questions has the Government received any communication from the leading Prelates or heads of the Church.

VISCOUNT SANDON: Sir, in consequence of the unsatisfactory nature of the reply which has just been made by the First Minister of the Crown, I beg to give Notice that, unless at the opening of next Session a Bill on this subject is brought forward, either by the Government or by some hon. Member who is more experienced than myself, I shall, at the very beginning of the Session, move for leave to introduce a Bill to give a speedy and inexpensive remedy against the introduction and continuance of practices contrary to law in churches belonging to the Church of England as by law established.

MR. WHALLEY said, he understood the right hon. Gentleman to say that the attention of the Government had not been drawn to this subject. ["Order!"] It would, however, be in the recollection of the House that he himself introduced a Bill for that very purpose. ["Order!"]

MR. SPEAKER intimated that the hon. Gentleman, although he might make an explanation, if he thought it necessary, could not say anything which might give rise to a debate.

MR. WHALLEY said, he only wished to ask the right hon. Gentleman, whether, if the Bill were again brought forward, he would give it his support? Its object was to restore to the laity the power of prosecuting, instead of leaving it in the hands of the Bishops.

MR. GLADSTONE: I am sorry, Sir, to be obliged to state that my attention was never drawn to the hon. Member's Bill. The Question of the hon. Gentleman appears to be quite different from that of the noble Lord opposite. I con-

finied my reply to the matters to which the noble Lord directed my attention, and if the hon. Gentleman will place on the Paper, in such a manner as I can understand it, any Question he may wish to put to me, I will take care to answer it.

#### ARMY—AUXILIARY FORCES—THE MILITIA.—QUESTION.

COLONEL CORBETT asked the Secretary of State for War, Whether the counties in which it is proposed to raise fresh regiments of Militia have been selected on account of an unusual increase in their population; and, if not, whether that will be carefully considered, so as to avoid the hardship which would be inflicted on those districts if they should be at any time called upon to provide the extra quota by ballot; and, whether the quota can be legally altered in some counties only, and not over the whole Country?

MR. CARDWELL: Sir, The recruiting proposed is entirely voluntary, and the increase of existing regiments, or the creation of second battalions in any county, will depend upon its recruiting capacity, as tested by voluntary enrolment. No change is intended in the liability of any county to supply men by ballot, while we can obtain enough under the present system.

#### THE CHOLERA.—QUESTION.

MR. DENT asked the President of the Local Government Board, Whether he will issue without delay, to Sanitary Authorities, plain directions as to the precautions to be taken for preventing the spread of Cholera, and also instructions as to the treatment of the disease, should it unfortunately reach this Country?

MR. STANSFELD: Sir, Plain directions as to the precautions to be taken for preventing the spread of Cholera have been prepared; but we do not propose to do what has never been done before to my knowledge—namely, to give directions to the medical men in the various localities as to the treatment of Cholera.

#### ARMY—ARTILLERY—CONVERSION OF CAST-IRON GUNS.—QUESTION.

MR. OSBORNE asked the Secretary of State for War, If it be true that the

conversion upon Palliser's plan of cast-iron 32-pounders had proved so successful as to have induced the Ordnance Authorities to order the heavy 68-pounder smooth-bore cast-iron guns to be converted upon the same system into rifled 80-pounders; Whether he would state what number of cast-iron guns had been converted up to the present time, and also in round numbers how many cast-irons guns there are in the various fortifications, arsenals, and dock-yards at home and abroad which are available for conversion into 80-pounders, 64-pounders, and 56-pounders; Whether the old smooth-bores are not quite useless, and the converted guns thoroughly efficient in every respect; And, if Sir William Palliser had perfected the construction of the converted gun to such an extent by experiments made at his own expense that no alteration or improvement had been made in his plans?

SIR HENRY STORKS: Sir, the conversion of cast-iron guns into rifled ordnance has been going on since 1868, in accordance with the recommendations of the late Ordnance Select Committee, whose Report, dated the 29th of January, 1868, was presented to the House of Commons by command. The conversion into 64-pounders commenced in 1868, and the order for proceeding with the heavier 80-pounder guns was given in 1870. 1,146 guns have been converted up to the present time, and there are, in round numbers, between 8,000 and 9,000 cast-irons guns at home and abroad which are available for conversion, if required. The converted guns are efficient weapons, but smooth-bores are not quite useless. Extensive experiments were made with converted guns at the public expense before they were adopted into the service; other experiments were made at the cost of Sir William Palliser, and the grant awarded to him was accepted by him in full discharge of all claims.

#### THE CIVIL SERVICE—NEW APPOINTMENTS.—QUESTION.

MR. WHITE asked the First Lord of the Treasury, Whether it be the intention of the Government to introduce this Session a Bill in accordance with the last recommendation of the Second Report of the Civil Services Expenditure Com-

mittee, enacting that no vacancy in a salaried office in any of the establishments therein referred to, be permanently filled up without the previous consent, in writing, of the First Lord of the Treasury for the time being; and that every person so appointed shall take his office, subject to such alteration as to its salary or pension (whether on superannuation or abolition) as may be determined by Parliament, and laying down a Rule as to rate of compensation on the abolition hereafter of offices in judicial establishments?

MR. GLADSTONE in reply, said, that the Report of the Committee made certain recommendations as to the measures to be adopted until the establishments in question had been revised. This matter would be carefully considered by the Government, who sympathized entirely with the Committee as to the purposes they had in view; but, on looking closely at the subject, he had found there would be very considerable difficulty in framing a Bill with an expectation of passing it with general satisfaction at that late period of the year. He did not say the Government would not take that course; but they had deemed it right to consider whether the objects in view could not be attained by an arrangement between the Lord Chancellor and the Judges in whose hands the matter was placed. His noble and learned Friend the Lord Chancellor was at present, therefore, in communication with those Judges on the subject, and he hoped to be able in a short time to state whether they had succeeded in effecting an arrangement.

#### SUNDAY TRADING PROSECUTIONS — SUNDAY OBSERVATION AMENDMENT ACT, 1872.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether his attention has been called to the case of William Garner, who has been sentenced to seven days' imprisonment for selling a penny bottle of gingerbeer in the parish of St. Pancras, in default of payment of seven shillings fine and costs; whether his attention has been called to the numerous prosecutions in three London parishes against the humbler class of Sunday traders; whether he intends to propose any modification of the existing Law

and, whether he intends to propose the renewal of the Sunday Observation Amendment Act of 1871, which expires this year?

MR. BRUCE: Sir, William Garner was prosecuted with the sanction of the Chief Commissioner of Police by the parochial authorities of St. Pancras, and sentenced to pay a fine of 5s. and 2s. costs, or, in default of payment, to seven days' imprisonment, not for selling a bottle of ginger-beer, but for exercising his trade as a bird-seller on Sunday, the 23rd of June. He had been three times previously convicted. On the first occasion he was let off with a fine of 1s., and each of the other occasions 5s., the full penalty, which was paid. On the occasion referred to it was proved that his shop was full of customers, and as he would not pay the fine he was sent to prison, from which he was released in the course of three days on paying the fine. I have communicated with the magistrates acting for the districts in which Sunday trading is most rife, and with the Chief Commissioner of Police as to the working of the Act of 1871. All concur in stating that the Act has been enforced with moderation, and that, while it does not interfere with the legitimate wants of the working population, a very considerable improvement has been made in the order and decency of the streets after half-past 10 o'clock on Sunday mornings. The following is an extract from the Report of one of the police magistrates acting for Southwark—

“When it is remembered that less than two years since ‘The Cut’ was a notorious Sunday market and fair, the resort of from 20,000 to 30,000 people collected from all parts of London, where costermongers, sham auctioneers, toy-sellers, quack medicine vendors, and dog and bird dealers vied with each other in noisy clamour, when the streets were impassable to vehicles, and blocked against foot-passengers resorting to their several places of worship, I consider the contrast which the same thoroughfare now presents of comparative freedom and quietude after half-past 10 in the morning is a sufficient compensation for the trouble and anxiety which have undoubtedly been occasioned to all the authorities concerned.”

I believe that these results have not been obtained without numerous prosecutions; but the result has been a general acquiescence on the part of the costermongers and the large majority of the shopkeepers with the law as enforced in these districts. I do not, therefore,

propose to make any modification of the existing Law, and I do propose to renew the Sunday Observation Amendment Act, 1871.

MR. P. A. TAYLOR gave Notice that he should oppose any renewal of the Act.

#### PUBLIC HEALTH ACT, 1872—HEALTH OF THE PORT OF LONDON.

##### QUESTION.

MR. CADOGAN asked the President of the Local Government Board, If he can inform the House what steps, if any, the Corporation of the city of London have taken in fulfilment of their duties as the sanitary authority of the Port of London under the Public Health Act of 1872?

MR. STANSFELD in reply, said, there had no doubt been some delay on the part of the Corporation, who were the sanitary authority of the port of London, in fulfilling their duties under the Public Health Act of 1872. But some arrangements had now been made by the sanitary authority. One of Her Majesty's ships had been placed at the disposal of the Corporation by the Admiralty, for the purpose of a hospital ship, and would be moored off Gravesend. A duly qualified medical practitioner had been appointed to take charge of that ship, with authority to appoint an assistant medical officer if necessary, and two ship-keepers would reside on board with their wives, who would act as nurses when required. Every precaution had been taken, and in cases of emergency the Directors of the Seamen's Hospital at Greenwich were prepared to receive a limited number of cholera cases. Arrangements had also been made for the treatment of dangerous infectious diseases.

#### PARLIAMENT—PUBLIC BUSINESS— BILLS WITHDRAWN.

##### QUESTIONS.

MR. ANDERSON asked Mr. Chancellor of the Exchequer, If it is the intention of Government to proceed with the Bank of England Notes Bill this Session; and, if so, when it will be put upon the Order Sheet in such a position as to give reasonable chance of its coming on?

MR. GLADSTONE: Sir, in answer to the Question of my hon. Friend, I



am sorry to say that we do not see any probability of being able to obtain from the House during the present Session the degree of attention which this measure deserves and would require; and that being so, we do not intend to proceed with it. The Question seems to afford a suitable opportunity of referring to several other Bills, as it will be a matter of convenience to hon. Members that their attention should not be claimed by subjects which there is no intention of carrying to a practical issue. The first Bill to which I will refer is No. 7, on the list for second reading—the Trade Marks Registration Bill. That is a measure with respect to which the President of the Board of Trade is of opinion that it will not be in his power to pass it during the present Session, and his intention therefore is to withdraw it. The Prevention of Crime Bill stands No. 15 on to-day's list for Committee; and upon that subject my right hon. Friend the Home Secretary observed the state of opinion in the House on the occasion of the Second Reading. He has accordingly been considering the expediency of consolidating the Law upon that and upon cognate subjects connected with the Prevention of Crime Acts—the Penal Servitude Act and the Convicted Prisoners Acts. Bills are now in operation for the purpose of consolidating the law on these subjects; but it will not be practicable to introduce them, at least not to prosecute them, during the present Session, and therefore he looks to endeavour to deal with them during the coming Session. No. 16 is the Bank of England Notes Bill. No. 17 is the Building Societies (No. 3) Bill. It is not intended to proceed with that Bill during the present Session. Nor with the next on the list, the Fisheries (Ireland) Bill. No. 20 is the Public Prosecutors Bill. That is a subject of great importance, but requiring much attention, and probably more time for discussion than can be given to it in the present Session. We do not, therefore, propose to proceed with it. That makes in all six Government Bills, now upon the list, which we propose to remove from the list, and which will not appear in it after to-night. As I am upon the procedure of the House, I have to state, with reference to the Vote of the House on Friday night, upon the salaries of the Civil Service in Ireland that, in redemption

*Mr. Gladstone*

of the pledge we gave, it is our intention to appoint a Departmental Committee, which will examine into the position, emoluments, and conditions of service of the Civil Service in Ireland, and will go through such of the different establishments as may apply for examination into their cases.

MR. ANDERSON said, that owing to the reply just given respecting the Bank of England Notes Bill, he would give Notice that, early next Session, if they had another, he should call attention to the subject of the Currency and again move for a Committee to inquire into the subject.

COLONEL STUART KNOX asked the right hon. Gentleman to state, What were the intentions of the Government with respect to the Landed Estates Court (Ireland) (Judges) Bill? Most Irish Members were about to go off to the Assizes, and surely it was not intended to proceed with a Bill of that importance in their absence?

MR. GLADSTONE: My noble Friend the Chief Secretary for Ireland is considering the subject of the Bill, and will be prepared very shortly to state his intentions.

MR. DISRAELI: There is another Bill, No. 22 on the Orders, the Consolidated Rate Bill, and I think we understood from the right hon. Gentleman the President of the Local Government Board that it would be withdrawn.

MR. STANSFELD: Yes, it will not be proceeded with.

MR. DISRAELI: It will be convenient to the House to know what Business will be taken at the morning sitting to-morrow.

MR. GLADSTONE: The Judicature Bill.

In reply to Mr. DILLWYN,

MR. ASSHETON CROSS said, he intended to withdraw the Building Societies Bill which stood in his name; but should on the first day of next Session introduce a measure drawn on the same lines.

#### MERCHANT SHIPPING ACT, 1872—THE THAMES PILOTS.—QUESTION.

COLONEL BERESFORD asked the President of the Board of Trade, Whether any provision has been made to provide compensation to the River Thames Pilots in consequence of the late

influx of a class of men empowered by a recent Trinity House by-law to underbid them in pilotage charges; whether it is true that the change complained of was petitioned against by the Shipowners of the Port of London, and that the new men themselves have been systematically and notoriously breaking the law for years past; whether any inquiry has been made into the fate of the "*Chillingham Castle*," which vessel was lost in or about the month of February last, with all hands (twenty-six persons in number); and, further, if any inquiry is intended to be made into this case?

**MR. CHICHESTER FORTESCUE:** Sir, by the Merchant Shipping Act, 1872, the Trinity House were empowered, with the consent of the Queen in Council, to relax within the whole or part of their district the then existing law which compelled every pilot to demand, and every shipmaster to pay, a fixed rate for pilotage services. The Trinity House have, accordingly, within a part of their district—namely, between Gravesend and London Bridge—relaxed that rule, but only with respect to ships exempted from compulsory pilotage. The Trinity House have also obtained by Order in Council powers to licence a qualified class of men who are to be available for that particular service only; but the other licensed Thames pilots are not debarred from being also employed on that particular service, and are now, under the Act of 1872, enabled to pilot exempted ships at the same reduced rates. These men can consequently, if they wish, prevent themselves being underbid by the new class of men, and no provision has been made for compensating them. Nor was any compensation thought due under the circumstances. Generally speaking, the newly-licensed men have been for a long time employed in piloting ships above Gravesend without being licensed, and the trade of the Thames could not get on without them. It was for the purpose of bringing these men within the law and under the control of the duly constituted pilotage authority, that the law was altered. Certain shipowners and underwriters of the City and Port of London appear to have petitioned the House of Commons in 1871 against the change; but Parliament thought fit to pass the Merchant Shipping Act, 1872, which gave to the Trinity House the

powers they have recently exercised, and no objection appears to have since been made by shipowners. The Correspondence on the subject will be found in Parliamentary Paper, No. 349, of last Session, and in another Paper of the previous Session. An inquiry has been ordered into the loss of the *Chillingham Castle*, and the matter is now in the hands of the Solicitor to the Board; but, unfortunately, the vessel disappeared with all hands.

#### SCOTLAND—SHERIFF SUBSTITUTES (SCOTLAND) SALARIES.

##### QUESTION.

**SIR DAVID WEDDERBURN** asked Mr. Chancellor of the Exchequer, Whether, as the Committee on Civil Services Expenditure have now reported, it is the intention of the Treasury to resume consideration of any applications for increase of salary which may have been made by sheriff-substitutes, in accordance with the assurance recently given in this House, that such applications would be considered on their individual merits.

**THE CHANCELLOR OF THE EXCHEQUER:** Sir, we are quite ready to consider these applications when they are made.

#### BALLOT ACT—UNIVERSITY ELECTIONS.—QUESTION.

**MR. HARDCASTLE** asked the Vice President of the Council, Whether, seeing that the Ballot Act does not apply to University Elections, it is the intention of the Government to bring in a Bill to regulate the time for holding Elections for the Universities of Oxford, Cambridge, and Dublin, such time being not now regulated by any Act of Parliament?

**MR. W. E. FORSTER**, in reply, said, that the hon. Gentleman was quite right in believing that the Ballot Act did not affect the University Elections except as regarded the personation of electors. The Government did not think there was any reason to regulate the time of holding Elections for the Universities in consequence of the passing of the Ballot Act.

#### SANITARY STATUTES (IRELAND).

##### QUESTION.

**MR. BRUEN** asked the President of the Local Government Board for Ireland,

Whether he will cause to be prepared and will lay upon the Table of this House, Digests of the Statutes in force in Ireland relating to urban and rural sanitary authorities, similar to the Digests of Statutes on these subjects in force in England which have lately been presented to Parliament?

THE MARQUESS OF HARTINGTON in reply, said, that the Act now in operation did not apply to Ireland. It was therefore thought better to postpone the consideration of preparing the Digests of the Statutes in force in Ireland until the necessary Act was passed, which he hoped would take place before long.

#### FRANCE—THE COMMERCIAL TREATY. QUESTION.

MR. BROCKLEHURST asked the Under Secretary of State for Foreign Affairs, Whether it is the intention of the Government to lay upon the Table of the House, the Correspondence and Papers adverted to in the Queen's Speech between the English and French Governments relative to the termination of the Commercial Treaty of 1860; and, the Correspondence and details of the communications that have passed between the two Governments upon the compensatory and other duties under the Treaty of Commerce with France, signed on the 5th of November, 1872; together with the negotiations and proceedings of the Commissioners appointed thereon at Paris?

VISCOUNT ENFIELD: Sir, a great deal of the Correspondence relating to the termination of the Treaty of 1860 has become superseded by the recent course of events in France. Her Majesty's Government will, however, lay before the House before the end of the Session, the Reports of the proceedings of the Tariff Commission at Paris, and such other Papers as may be of interest and can properly be communicated to the House without interference with the negotiations now being undertaken at Paris.

#### EDUCATION—REPORT OF THE COMMITTEE OF COUNCIL.

##### QUESTION.

SIR CHARLES ADDERLEY asked the Vice President of the Committee of Council on Education, When his Report for this year will be delivered; whether

in future years it could be presented before the Education Estimates are discussed; and, whether the Evidence taken by the Endowed Schools Committee will be circulated before the Bill is brought on for a Second Reading.

MR. W. E. FORSTER in reply, said, that the Education Report for that year was now being printed, and he believed it would be delivered in a day or two. He was exceedingly anxious that the Report should be delivered at an earlier period of the Session, and before the Education Estimates came on for discussion. That course, however, had been found to be impossible that year; but he trusted to be able to make arrangements with Sir Francis Sandford by which he hoped the Report would be presented in future in May. He was told the evidence taken by the Endowed Schools Committee would be in circulation by Thursday. The second reading of the Bill dealing with the question was down for that night, and unless he was urged to the contrary he would ask for a second reading, on the understanding that nothing more would be conceded by it than that the Reform should be continued, and that ample opportunity should be afforded for the discussion of the measure on some future occasion. If such an arrangement as that were not acceptable to the House he was afraid the second reading must be postponed. In any case, however, the time at which the Elementary Education Act Amendment Bill would be brought in must depend upon the progress made with the Judicature Bill.

#### INDIA—THE 28TH REGIMENT—THE INDIAN MUTINY MEDAL. QUESTION.

SIR PATRICK O'BRIEN asked the Secretary of State for War, Whether it is the intention of the War Office to grant the Indian medal to the wing of the 28th Regiment engaged in the operations in the Gulf of Cutch, against the towns of Beyt and Dwaka, in the month of October, 1859, in accordance with the terms of the General Order headed Bombay Castle, and bearing date the 26th of June, 1867 (No. 412 of 1867)?

MR. GRANT DUFF: Sir, in reply to my hon. Friend, I have to say that it is not intended to grant the Indian Mutiny medal for the Dwaka and Beyt

operations, because the Government of Bombay and the Commander-in-Chief in India have reported that these operations were quite unconnected with the Indian Mutiny.

#### SCOTLAND—CIVIL SERVICE.

##### QUESTION.

MR. M'LAREN asked, Whether the Committee charged with the consideration of the salaries paid to the Civil Servants in Ireland would also consider those paid to the Civil Servants in Scotland?

MR. GLADSTONE, in reply, said, all those things must come in succession; and that, undoubtedly, the claim of Scotland would be quite as strong as the claim of Ireland.

#### SUPREME COURT OF JUDICATURE

BILL—[Bill 154.]—(Lords).

(The Attorney General.)

COMMITTEE. [Progress 4th July.]

Bill considered in Committee.

(In the Committee.)

Clause 24 (Vacations).

Amendment proposed, in page 17, line 10, to leave out from the words "upon any" to the words, "hereinafter mentioned," all inclusive, in line 15;—(Mr. Vernon Harcourt.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. RYLANDS, in supporting the Amendment, said, that Parliament had a right to ask that the vacations of the Judges, who were public servants, and who as such were paid for their services, should not depend upon their own absolute decision. If the Amendment were carried, he believed it would tend to satisfy the demands of the public, who had a right to complain that the Courts were so long closed to suitors.

MR. SERJEANT SIMON protested against the low view which the hon. Member for Warrington (Mr. Rylands) had taken of the subject. He had spoken of the Judges as he might have spoken of clerks behind a counter. The hon. Member's tone was, that because we paid the Judges they ought not to be trusted with a voice as to the vacations. But their salaries, he would observe, were by no means the entire compensa-

tion for their labours and services. The honour and dignity of the Bench were important items and one part of the remuneration which attracted men of eminence to fill Judicial offices. At the same time, he thought that the Courts of Law might make such arrangements that suitors should no longer be kept waiting for three months for the decision of their causes. To leave the Ministers to fix the vacation of the Judges would be to leave these arrangements to those who had not the requisite knowledge, and who, as Ministers of the Crown, ought not to have the smallest control over the independence of the Bench. He should have no objection, however, that Parliament should legislate on the subject.

COLONEL BARTTELOT said, he was informed that of the two Vacation Judges, while the Common Law Judge sat in London, the Chancery Judge did not, so that persons who had to make application to the latter had to go to Carlisle, or wherever he might appoint. That was a glaring fault; and he held that during the Vacation the Chancery Judge should be bound to sit in London.

MR. HINDE PALMER thought the hon. and learned Attorney General might virtually accede to the Amendment by allowing it to stand thus—"Her Majesty in Council may make rules." Of course, Her Majesty would not make rules without consulting proper persons.

THE ATTORNEY GENERAL said, there was nothing very serious in the Amendment, and there were some Amendments which he intended to propose, which he hoped would meet all the reasonable requirements of his hon. and learned Friend the Member for Oxford (Mr. Harcourt). It was, however, due to the profession and the Judges that the accurate state of the case should be known. At present, the vacations were fixed by Act of Parliament, and everybody took his situation, and everything was conducted on the footing which the Act of Parliament had fixed. He was not, therefore, disposed to allow that a change of that kind should be made by any authority short of Parliament, or some authority to which Parliament had delegated the power. His hon. and learned Friend had told an amusing story about Vice Chancellor Shadwell administering equity in

his bath; but the truth was, that the Vice Chancellor while taking a bath was once called on to grant an injunction, and having finished his bath he did so. His hon. and learned Friend had remarked that thus far the Bill had done everything for the profession, and nothing for the public. That statement did not accurately describe the effect of the first 24 clauses of the Bill. If, however, the profession suffered, it would have to get on as best it could; and as he had full confidence in the pugnacity of Englishmen, he thought the profession would get on very well. Neither did he think it at all fair or accurate to say that the vacations had all been regulated, with a view to keep the business in the hands of a few people, and disregarding the general mass of the profession. His hon. and learned Friend did not like to see the Judges trusted with fixing the vacations; but the only alternative which had been suggested was, to place the matter in the hands of the Government, which in that case really meant the Lord Chancellor, for the Lord Chancellor was the man to whom the Government would naturally look for advice, and the Lord Chancellor would never act without consulting the Judges. It was far better to say what was really meant, and the clause was therefore drawn in plain terms; for if the Committee meant that those at the head of the profession should have charge of the arrangements, it was better that they should say so. Some rather strong and extravagant statements had been made by his hon. and learned Friend. It was not correct to say that there was a terrible collapse of business, and, in fact, that nothing was done during the Long Vacation. A great many very important Courts were going on until the middle of September. The circuits were going on, and many important avenues of business were open up to that time. His hon. and learned Friend had forgotten that in Chancery, the Accountant General no longer existed, and that the Paymaster General's office was always open, and there was no longer any difficulty in getting out large sums of money. Then there was a Vacation Judge who sat and attended to all pressing business. About the Vice Chancellors he had not the same individual knowledge; but he felt sure if it was the Vice Chancellors' duty to sit during the vacation,

*The Attorney General*

they did their duty. He had heard distinguished Equity lawyers say that the Court of Chancery was always open, and that if you wanted any real damage remedied or wrong prevented you could always get it done in the Long Vacation. But the Courts of Common Law were governed by ancient and obsolete rules which could scarcely admit of justification now, and he saw no reason why those Courts should not be as accessible during the Long Vacation as the Equity Courts. It was right, therefore, to say that something more should be done, and that Law should not cease any more than Equity. But what did the Bill propose to do? Why in the very next section it said—

“Provision shall be made by Rules of Court for the hearing during vacation by the Judges of the High Court of Justice and the Court of Appeal respectively of all such applications as may require to be immediately or promptly heard.”

And the 36th section provided that any Judge of the said High Court of Justice might, subject to any rules of Court exercise in Court or in Chambers all or any part of the jurisdiction vested in the said High Court in all such causes and matters, and in all such proceedings in any causes or matters as before the passing of the Act might have been heard in Court or in Chambers respectively, by a single Judge of any of the Courts whose jurisdiction is hereby transferred to the said High Court, or as might be directed or authorized to be so heard by any Rules of Court to be hereafter made. In all such cases, any Judge sitting in Court shall be deemed to constitute a Court. If what his hon. and learned Friend wanted was that there should be no period during the Long Vacation when either at Law or in Equity wrongs should remain unredressed, he was prepared to agree with him; that was perfectly reasonable, and it was provided for in the Bill. But if his hon. and learned Friend wanted that there should be no difference between the Long Vacation and the rest of the year; that there should be no break, but a permanently sitting Court, only with a relay of Judges and counsel, he was utterly opposed to him. It was an unreasonable request, and he could give no countenance to it. He frankly admitted that there was an objection to the present state of things,

and that it was only reasonable it should be removed if possible, so far as it was not already removed by the Bill as it stood. He did not think the vacations were unreasonably long, and felt satisfied, that it was true economy to keep matters as they were at present in that respect, as he did not see that we should be a bit the better for killing off all our Judges by working them too continuously. Every country with which he was acquainted found vacations necessary; and he believed they were true economy. He was quite willing, however, to make certain alterations in the clause, so as to provide that the consent of the Lord Chancellor would be required before the recommendation of the Judges could be carried out. There ought to be some one who would be responsible to the public for any change that was made, and who, when any question was raised, could say—"I am the person by whose authority or under whose consent the thing was done." He therefore proposed, after the word "herein," to insert "with the consent of the Lord Chancellor." He was also prepared to make another alteration. He believed the present vacations were quite long enough, though not unreasonably long, and he would add a proviso to the clause, declaring that the total duration of the vacations should never in any case exceed the time now given to them. Further than that, he was not prepared to go. He did not believe that the Judges as a body would be insensible to calls of duty.

DR. BALL said, he did not know what would become of the unfortunate Law Officers if they were worked all the year round. Human beings must have some rest, and nothing would be gained by abridging the vacation. He was opposed to interfering in any manner with the present system of leaving to the discretion of the Judges what should be the limit of the vacation, believing, as he did, that they were totally incapable of doing anything that they did not consider to be justified by the requirements of the case. No ground whatever had been shown for interfering with it.

In reply to Mr. T. HUGHES,

THE SOLICITOR GENERAL said, that, in consequence of the change which had been made relative to the Accountant General's Department the Paymaster

General's office was open all the year round, and there would be no difficulty in payments being made in the case of infants coming of age during the vacation, or in other cases of a pressing nature, in which payments had been ordered. With regard to the presence of an Equity Judge in London during the vacation, he hoped arrangements would be made to provide for that; but he did not think it would be desirable that provision should be made in that matter by Act of Parliament. He must again assert that the public had benefited by all the law reforms of this century, and he challenged the hon. and learned Member for Oxford to prove his assertion to the contrary. He was by no means unprepared or unwilling to accept the criticism of the hon. and learned Member that his own diction was occasionally more forcible than elegant; but he would remind the hon. and learned Member of the proverb about those who live in glass houses. As to his statement about there being as good fish in the sea as ever came out of it, it must not be forgotten that you must catch your fish; you must not get rid of those who are fit on the chance of finding others in the wide expanse of the sea. It was an undeserved slur on the Judges to say they consulted their own interests in preference to those of the public. All the present Judges had accepted office under statutes by which the vacations were secured to them. If the Judges and the Queen in Council did not do what was right, the hon. and learned Member could bring in an amending Bill.

MR. VERNON HARCOURT said, it was hardly worth while noticing the speech of the hon. and learned Solicitor General, who had the advantage in the matter of diction, while his degree of earnestness in the matter of law reform was sufficiently well known. No answer had been given to the question whether the Vacation Vice Chancellor would remain in town; all that had been conceded was that on the whole Carlisle was a little too far off for a Vacation Judge's residence. In the present state of the law, if a Vice Chancellor had wrongly refused an injunction, injustice might be done for months before there could be an appeal; and as the Judges had hitherto so interpreted the law as to allow of a Judge being at an inaccessible

distance, what security was there they would not continue to do so, and why should not security be taken in this Bill? As to the alteration the hon. and learned Attorney General proposed to make with reference to the duration of the vacations, it was no great concession to say that they should not be made longer than they were at present, considering that, taken altogether, they extended to some four months in the year. The 36th clause provided that one Judge should on occasions do the business of two Judges. Well that might be, but what was wanted was to strengthen the 25th clause. Why need the 21 Judges all work together and all stop together? He was glad the Attorney General did not endorse the interests of peace theory of the hon. and learned Member for Londonderry (Mr. C. E. Lewis), who managed to enjoy his own vacation without closing the office of the firm of solicitors with which he was connected.

MR. LOPES said, he was never more astounded than in hearing it proposed that the Judges should have a vacation extending over four months. In his opinion, speaking of the Common Law Judges, ten weeks would be amply sufficient vacation. Practically the Long Vacation was only of about ten weeks' duration, and there was a Judge always sitting in Chambers in London during the whole of that time.

THE ATTORNEY GENERAL said, he would agree to the insertion of words in the following clause, to the effect that provision should be made for the hearing of cases when necessary during the vacation in London and Middlesex.

MR. VERNON HARCOURT said, he would beg leave to withdraw his Amendment in favour of that proposed by the Attorney General.

Amendment, by leave, *withdrawn*.

Clause amended, and agreed to.

Clause 25 (Sittings in vacation).

On the Motion of Mr. ATTORNEY GENERAL, Clause amended by the insertion of the words "in London or Middlesex," at end.

Clause, as amended, agreed to.

Clause 26 (Jurisdiction of Judges of High Court on circuit).

MR. WATKIN WILLIAMS said, there were, under the existing administration of the law, five separate commis-

sions—namely, of Assize, Nisi Prius, Oyer and Terminer, General Gaol Delivery, and a General Commission of the Peace, under which the business was transacted on circuit, and in that system the Judicature Commission recommended a change. At present, where issues of law and fact were raised, the issues of fact were tried and disposed of by Judge and jury; but the questions of law were decided by the Judges sitting in Banco at Westminster. By the clause, however, as he read it, it was proposed that Judges might be sent down into any district, and there decide all issues, both of law and fact, however raised. He thought such a course most undesirable, and that as it stood, it was calculated to have the effect of decentralizing the High Court at a time when such a course was most unwise and unnecessary. Were Judges to take their law libraries with them to those districts? Without the authorities, it would be undesirable for them to be called upon to decide important and difficult issues of law, and he saw no reason for removing the tribunal constituted to decide such questions of law from Westminster, and he would therefore move an Amendment to leave out in page 17, line 37, the words "or of law, or partly of fact and partly of law."

THE ATTORNEY GENERAL said, his hon. and learned Friend had, to his mind, altogether misunderstood the clause. He had no idea that, under the clause, questions of law would be decided by the Courts sitting in Banco in the country; but what the clause intended was, that when a Judge of the High Court went into the country to try issues before a jury, he would be clothed, under certain restrictions, with the whole power of the full Court, including questions of law, subject to appeal. That was a leading principle of the Bill, which the Amendment, if carried, would mutilate.

MR. LOPES thought that on questions of demurrer the matters ought to be submitted to the full Court sitting in Banco at Westminster.

THE ATTORNEY GENERAL signified his assent.

MR. WATKIN WILLIAMS said, after what the hon. and learned Attorney General had stated, he would, with the assent of the Committee, withdraw his Amendment.

*Mr. Vernon Harcourt*

MR. WHALLEY said, the measure was one of the most revolutionary that had ever entered into the mind of any lawyer or statesman to conceive. It was a reversal of all practice and of every theory on which all practice existed. He had never heard of such a thing before, as that a Judge should have power to decide questions of law in district Courts. It was proposed, too, by the Bill, that where there were questions of variance between Law and Equity, that Equity should prevail. At present, the country had a tribunal constituted of four Judges sitting in Banco at Westminster, to whom questions of law raised and reserved at trials were submitted, and he had never heard any expression of dissatisfaction with their decisions; yet it was now proposed to delegate the power of the full Court to one Judge, sitting in a district Court, to decide upon what might be a most important question of law.

Amendment, by leave, *withdrawn*.

MR. RATHBONE moved an Amendment, the effect of which would be to empower any delegation from the Supreme Court going Assizes to decide upon issues both of law and fact, on the application of the plaintiff.

THE ATTORNEY GENERAL said, he had no objection to the Amendment, if it were so modified as to place both parties to the suit in the same position.

Amendment amended accordingly, and agreed to.

Clause, as amended, *agreed to*.

Clause 27 (Sittings for trial by jury in London and Middlesex).

MR. ASSHETON CROSS moved as an Amendment, in page 18, line 4, before "Middlesex," to insert "Lancashire;" and in line 9, before "Middlesex," to insert "Lancashire," and said, his object in proposing the Amendment was, that when the Judges arrived at Liverpool, they should continue to sit there until all the assize business was over. The causes which arose there were of far more importance than to be slurred over in the hurry-scurry of an Assize.

THE ATTORNEY GENERAL said, he admitted the grievance, but if Government yielded to the hon. Gentleman's request in respect to Liverpool,

it would be impossible to resist similar proposals from Leeds, Bristol, Birmingham, and other large towns, so that the question came to this, whether they were to have a central Court and a central Bar, presided over by highly-trained Judges, or whether they were in different parts of the country to set up Courts of co-ordinate jurisdiction with those at Westminster. The question had been much debated by the Judicature Commission, the majority of whom, after full consideration, were opposed to the setting up of provincial Courts. The Bill was accordingly framed on the view opposed to that taken by the hon. Gentleman, and the House of Lords sanctioned the Bill. He (the Attorney General) under those circumstances, felt it his duty to oppose the Amendment, which went to the root of the Bill; but he admitted that he performed that duty reluctantly, as those persons might be aware who had read the observations he made on the subject during last autumn. However, he hoped that, under the Bill, there would be a greater economy of judicial power, and that some more rational arrangements might be made.

MR. ASSHETON CROSS said, that having heard the statement of the hon. and learned Gentleman, he was willing to withdraw the Amendment, but hoped the Government would do all in their power to effect its object.

MR. SERJEANT SIMON suggested that when the Government came to consider the question of the re-adjustment of the circuits, they should appoint a separate circuit for Lancashire, in order that the numerous causes which arose in the great commercial cities in that county might be disposed of without unreasonable delay.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 28 (Divisions of the High Court of Justice).

MR. RAIKES moved as an Amendment, in page 18, line 21, to leave out sub-section 1. Its effect would be to restore to the Common Law Divisions the precedence over the Chancery Divisions of the High Court which the sub-section had deprived them of.

Amendment proposed, in page 18, line 21, to leave out from the words "one division" to the word "division," in line 28.—(Mr. Raikes.)



THE SOLICITOR GENERAL said, he regarded the question raised by the hon. and learned Member as of slight importance, and he trusted that he would withdraw his Amendment.

MR. RAIKES said, that under those circumstances, he felt bound to say a few words in support of his Amendment. It was generally understood in this country that the Lord Chief Justice of England had precedence over all other Judges except the Lord Chancellor, and in the Bill as originally introduced by Her Majesty's Government, the Division of the High Court over which the Lord Chief Justice was to preside, was made the First Division. In consequence, however, of the Amendment which was proposed by Lord Cairns, whereby the Lord Chancellor was made President of the High Court, being carried, it was thought fit that the Chancery Division, over which he was to preside, should take the first rank, and, accordingly, the Common Law Division over which the Lord Chief Justice was to preside, was reduced to the second rank. Since the Bill had come to that House, however, an Amendment had been adopted under which the Lord Chancellor was no longer a Member of the High Court, and under those circumstances the Presidency of that Court would again devolve on the Lord Chief Justice and therefore the Common Law Division over which he presided should again take the first rank.

MR. WHALLEY said, he wished to point out that by the Bill, for the first time in that kingdom, they were putting the Court of Chancery, which was a mere excrescence on the Common Law of the Land, and had, in fact, been a curse ever since it had been created, in a position of precedence and dignity before the Common Law Courts. He protested against that precedence being decided upon, without a word of explanation on the subject being offered by the Law Officers of the Crown.

MR. GORDON also remonstrated against the course the Government were pursuing.

THE SOLICITOR GENERAL said, he had intended to show no want of respect either to the Committee or to the hon. and learned Member, and begged to remind hon. Members that although the Lord Chief Justice of Eng-

land had precedence over all the Equity Judges except the Lord Chancellor, all the Equity Judges had precedence over all the Puisne Common Law Judges. The part of the clause now objected to had been carried by Lord Cairns in the other House, and was in no way dependent upon the position which the Lord Chancellor would hold in the High Court. Moreover, seeing that all the Courts would be amalgamated in a short time, he did not regard the question of precedence as being of much importance.

SIR RICHARD BAGGALLAY said, that if a Division were taken, he should support the clause as it stood.

MR. WHALLEY said, he had never heard so extraordinary a statement as that the Court of Chancery was superior in dignity to the Common Law Courts.

MR. AMPHLETT thought if it was desirable the Bill should pass, it was undesirable to press Amendments which were not of great importance.

Question put, "That the words 'one division shall consist of' stand part of the Clause."

The Committee *divided*:—Ayes 48; Noes 13: Majority 35.

On the Motion of MR. SOLICITOR GENERAL, Amendment made in page 18, after line 20, by leaving out sub-sections 1, 2, 3, and 4, and inserting the following sub-sections:—

"1. One division shall consist of the following judges (that is to say): the Master of the Rolls, who shall be President thereof, and the Vice Chancellors of the Court of Chancery, or such of them as shall not be appointed ordinary judges of the Court of Appeal;

"2. One other division shall consist of the following judges (that is to say): the Lord Chief Justice of England, who shall be President thereof, and such of the other judges of the Court of Queen's Bench, as shall not be appointed ordinary judges of the Court of Appeal;

"3. One other division shall consist of the following judges (that is to say): the Lord Chief Justice of the Common Pleas, who shall be President thereof, and such of the other judges of the Court of Common Pleas as shall not be appointed ordinary judges of the Court of Appeal;

"4. One other division shall consist of the following judges (that is to say): the Lord Chief Baron of the Exchequer, who shall be President thereof, and such of the other Barons of the Court of Exchequer as shall not be appointed ordinary judges of the Court of Appeal."

MR. C. E. LEWIS said, that if the clause were adopted as it now stood, the

old divisions between Law and Equity and the old designations of the Law and Equity Courts would be perpetuated. There would still be the Courts of Chancery, Queen's Bench, Exchequer, Common Pleas, Probate, and Admiralty. That fact would, he could not but think, tend to prevent the effecting of that which was the main object of the Bill—namely, the fusion of Law and Equity. They ought not to inscribe any distinction on the portals of the High Court of Justice, and no sufficient reason could, he thought, be assigned for crystallizing those old distinctions, and he should therefore—with a view to the several Divisions of the High Court being known by numbers rather than by names—move that in page 19, line 14, the word “Chancery” be omitted, and the word “First” substituted.

Amendment proposed, in page 19, line 14, to leave out the word “Chancery,” in order to insert the word “first.”—*(Mr. Charles Lewis.)*

THE SOLICITOR GENERAL said, that while he did not disagree with it, he hoped the Amendment would not be pressed. The question had already been considered and disposed of on the Motion of the hon. and learned Member for Oxford. (Mr. Harcourt), who moved that the titles of Lord Chief Justice of the Queen's Bench, Lord Chief Baron of the Exchequer, and Lord Chief Justice of the Common Pleas should be abolished. That Motion was fully discussed, and it was rejected on a division. It would be going over the same ground to discuss and divide upon the present Amendment.

SIR RICHARD BAGGALLAY hoped that, notwithstanding the verbal opposition of the hon. and learned Solicitor General to the Amendment, he would get the assent of his Colleagues to that which was evidently his own view of the question. There might be some reason for retaining for the present the titles of the heads of the Courts, but what reason was there for retaining for all time the titles by which Law and Equity had always heretofore been separated? He thought that if the Courts were respectively called First, Second, Third, and Fourth Divisions, the object of amalgamating Common Law and Equity would be more readily promoted. It was desirable to get rid of everything indicating

that any Court had a particular class of business appropriated to it.

MR. RYLANDS said, he did not agree that a previous division precluded the Committee from dealing with the Amendment, but would admit there was some strength in the argument as to the House of Lords.

MR. GORDON said, he agreed that that the best way of securing amalgamation was to get rid of the present names, and to distinguish the Divisions by calling them First, Second, Third, and Fourth. If the present distinctive names of the Courts were kept up, the Bill would soon have to be amended by another measure.

Question put, “That the word ‘Chancery’ stand part of the Clause.”

The Committee divided:—Ayes 55; Noes 20: Majority 35.

Clause, as amended, agreed to.

Clause 29 (Power to alter division by Order in Council).

MR. VERNON HARCOURT moved, as an Amendment, in page 19, line 36, to leave out “upon any,” to “hereinafter mentioned,” in line 38. The clause was an important one. In giving power for the reduction of the number of Divisions, the clauses provided ultimately for the diminution of the harmony which it was desirable should prevail in the transaction of the business of the Court. It was under that clause that that transformation would be effected, and it was made absolutely dependent on the Council of Judges. He thought Her Majesty in Council should recommend the reduction of the Divisions. Under the clause, the Order must be laid before Parliament to be confirmed; it was, therefore, really a Parliamentary enactment, and he did not see why the initiative should be reserved for the Council of Judges.

MR. GREGORY said, it would be a severe duty to impose upon the Judges, to ask them to decide upon their own extinction, and he thought it had much better be left to the Queen in Council.

MR. LOPES hoped the hon. and learned Attorney General would not give way to the Amendment, as the Judges were, of all persons, the most competent to decide upon the organization and arrangements of the Divisions.

THE ATTORNEY GENERAL said, the clause was absolutely necessary to

the working of the Bill, and it was important that the words in question should be retained exactly as they stood.

DR. BALL said, that when the hon. and learned Member for Oxford (Mr. Harcourt) became a Minister of the Crown he would use his power ruthlessly; and if it were only as a protection for themselves, some weight ought to be given to the Judges.

MR. JAMES thought that, if the matter were left to the Judges, there would be no alteration made in these Divisions at all. It was delegating to those who ought to be reformed or altered, the power of altering or reforming themselves. He preferred the clause as it was proposed to be amended, under which it would be left to the Queen in Council, without consulting the Judges, to arrange for the Divisions of the Court.

MR. F. S. POWELL deprecated the tone in which the Judges were spoken of by hon. Members of the Bar, and considered that great deference ought to be paid to the opinion of those eminent persons, who were by far the most competent to decide upon such a matter as this. Indeed, it should be left to them to decide upon what the course of business should be in their own Courts.

MR. WHITWELL trusted the hon. and learned Attorney General would accept the Amendment.

MR. AMPHLETT hoped the Government would adhere to the clause, which only enabled the Executive to do that by Rules and Orders which they might do by Act of Parliament.

MR. SERJEANT SHERLOCK thought it would be a strange thing if such an alteration as that now proposed were to take place without consulting the Judges. That was an alteration in the system of the law which should be suggested, if at all, by the Judges themselves in the first instance.

MR. VERNON HARCOURT, in replying generally to the objections made to his Amendment, said, that if the decisions were left to the Judges the clause would be utterly worthless.

*Amendment negatived.*

On the Motion of MR. VERNON HARCOURT, Amendment made in page 19, line 44, after "purpose," by inserting—

"And such order may provide for the extinction of the offices of any of the Judges who are

*The Attorney General*

constituted presidents of any of the divisions which may be reduced, and of the salaries, pensions, and patronage attached to such offices, notwithstanding anything in this Act relating to the continuance of such offices, salaries, pensions, and patronage."

THE ATTORNEY GENERAL moved, as an Amendment, line 8, at end of clause, to add—

"Provided always, That the total number of the Judges of the Supreme Court shall not be increased by any such Order."

MR. OSBORNE MORGAN said, that as the Amendment raised the whole question of the number of the Judges, he would take the opportunity of calling attention to the pledges given by the hon. and learned Gentleman the Attorney General on the occasion of the second reading of the Bill. He (Mr. Osborne Morgan) had put down an Amendment asserting the expediency of having a Judge who was conversant with the practice and doctrines of Equity attached to each of the Divisions. His hon. and learned Friend, though he advised the withdrawal of the Amendment on the ground that it would stereotype the distinction between Law and Equity, said the Government proposed that instead of the provisions in the Bill, there should be left to the Queen not an unlimited selection, but a selection with certain qualifications of persons not from the Common Law Bar, to fill the places of the three Puisne Judges in the Court of Appeal, and in making that announcement he had stated that he hoped it would afford considerable satisfaction to him (Mr. Morgan). Well, the announcement did afford him considerable satisfaction, but that satisfaction was short-lived. He understood the hon. and learned Gentleman to mean what he said, and he withdrew his Amendment. In fact, he fell an easy prey to the bland and honeyed words of the hon. and learned Gentleman. Next day the hon. and learned Solicitor General said to him, "Don't be too sure of your three Equity Judges." He was sorry he did not prefer the vinegar of the Solicitor General to the oil of the Attorney General. In what way had the Government fulfilled their pledge? In the first place, these three Equity Judges were reduced to two, then they dwindled down to one, and now this one solitary Equity Judge, who also might be taken away by-and-by, was to be purchased at the

expense of a Vice Chancellor. That proceeding had placed him in a very embarrassing position, for he could not help feeling that to a certain extent he had been "jockeyed" by the hon. and learned Gentleman. Moreover, by the Bill, as it now stood, at least six of the Judges of the High Court must either die or resign before the hon. and learned Gentleman could give effect to his other promise that one Equity lawyer should be appointed to each Common Law Division, because no vacancies were to be filled up until the Judges were reduced to 12. He belonged to a profession to which the public proverbially attributed more of the wisdom of the serpent, than the innocence of the dove; but if ever there was a dove who had been outwitted by the wisdom of a serpent he was that unfortunate bird. They were told by the poet that—

"When lovely woman stoops to folly,  
And finds too late that men betray,"

the only course for her to pursue, was to retire from the scene altogether; now, whether he had stooped to folly or not, he certainly had found that men betray, and therefore, the only course that seemed to him now open, was to withdraw his numerous Amendments, and retire as gracefully as he could. Before doing so, however, he wished to record his opinion that he did not think that way of playing fast and loose with one of the staunchest supporters of the Bill was the best way either to facilitate the passing of the measure, or to raise the character of the Government.

THE ATTORNEY GENERAL said, if his hon. and learned Friend misunderstood the very plain language which he used he could not help him. When his hon. and learned Friend spoke of being "jockeyed" he should have taken more pains to ascertain that there was some foundation for the accusation than he appeared to have done. He had not the slightest desire to withdraw what he had said on the second reading. No one of common understanding or common fairness of mind could draw such an inference as his hon. and learned Friend had done. He said then, and he repeated now, that there was a strong part in the Equity case, and, speaking in the presence of the head of the Government and of the Chancellor of the Exchequer, he stated that they were prepared to consent to the charge for three new

Judges if they should be required. But he took pains at the same time to explain that he gave no pledge that these three men were to come from the Equity Bar. What he said was, that it would be wise to extend the power of selection to persons other than Members of the Common Law Bench. What right then had his hon. and learned Friend to make such an attack on him as he had done, or to talk of "oil" and "vinegar?" What right had he to make an attack of that sort upon an honourable man in the presence of honourable men, and to say that he had been "jockeyed?" What had he said, or what had he done that a man of honour need be ashamed of? The right hon. Member for Kilmarnock (Mr. Bouverie) without any communication with him, moved an Amendment which was accepted by the Committee, and the result was that one of the new Judges might possibly be an Irishman, and another a Scotchman. But was it impossible that an Irishman might be a good Equity lawyer? He repudiated with indignation the charge made against him by the hon. and learned Gentleman, and challenged him to show that there was any foundation for that charge.

MR. WHALLEY said, he was under the impression that the Attorney General's conscience was not at ease in the matter. He believed that 99 out of every 100 of the constituents of hon. Members would be astounded at the scope and tenor of the Bill. It seemed to him that they might as well talk about the manner of the discussion as the matter. He did not recollect for 20 years hearing such language as had fallen from speakers in that discussion, but if there was any chance of anything he said in the House ever being reported, he would say that anything was better than passing the Bill, which was really in effect to put the Court of Chancery at the very head and front of our legal system.

DR. BALL objected to the Judge of the Admiralty Court being taken to the Court of Probate and Divorce. If, however it was done, his salary should be raised to £5,000.

THE SOLICITOR GENERAL said, it was a mistake to suppose that the Judge of the Admiralty Court was not in a position to assist the Judge of Divorce in the Supreme Court. Half of the time of the Admiralty Judge would be unoc-

cupied, and could be devoted in the way proposed. Future Judges of the Admiralty Court would receive £5,000 a-year, and the reason why the present Judge was not included in that arrangement was that he received more from the offices he now held.

MR. OSBORNE MORGAN said, that he certainly understood the hon. and learned Attorney General, replying to an Amendment of his own, to state that the three additional Judges should be taken from the Equity branch of the Law, and that the only reason for choosing them from the Common Law Bar was the addition of Ireland and Scotland.

MR. GLADSTONE said, that that was a misapprehension on the part of hon. and learned Gentleman. If the Amendment were adopted the Judges would not be able of themselves to make any increase in their numbers, and an increase in that respect would require the passing of an Act of Parliament.

MR. HINDE PALMER said, he did not agree that they were to be precluded from appointing an additional Judge should it be considered necessary in the working of this Bill to do so.

MR. VERNON HARCOURT said, the Order in Council to increase or decrease the number of Judges might be made on the recommendation of the Judges. Did anyone think that the Judges would recommend a decrease in the number of their Order? He should like to have that matter made clear. He hoped the Amendment would be accepted.

MR. GREGORY thought it desirable that the Committee should have some further explanation on the subject.

MR. JAMES said, that that was a lamentable instance of the influence of the hon. and learned Member for Oxford (Mr. Harcourt), supported by the hon. Member for Warrington (Mr. Rylands), over the Attorney General and the Solicitor General. The effect of the Bill would be that three Judges of the Common Law staff would be cut off, and that they would be reduced to 15 Judges. At that moment they were reduced to that number, three of the Judges of the Court of Queen's Bench being engaged in the Trial at Bar; and the consequence was that the business was falling greatly into arrear. He regarded the course proposed by the Government as a retrograde step. The country did not want

to have the number of Judges reduced. That reduction of our judicial strength, moreover, had been effected without the least consideration whether the present number of Judges could do the work or not, but simply with the object of carrying out the economical views of the Chancellor of the Exchequer. Under the present system there had simply been a block in our procedure, because the Judges were not physically capable of getting through the work which came before them. People talked loudly about the law's delay, but that delay arose from a want of judicial strength, and our arrears were increasing day after day. The evil of the present system in this respect would be increased and rendered permanent by the Amendment, which he hoped, therefore the House would reject.

THE ATTORNEY GENERAL, in explanation, said he did not see that the objections of the hon. and learned Member for Taunton were well founded. The only effect of the Amendment would be to prevent the Judges from adding to their own number, without in any way precluding their number being increased by Act of Parliament.

MR. STAVELEY HILL agreed in the view expressed by the hon. and learned Gentleman the Member for Taunton (Mr. James), and was of opinion that it would be a great injustice to suitors if the number of Judges were reduced to 15.

MR. SERJEANT SIMON supported the proposal of the Government.

MR. GLADSTONE further explained the object of the clause, and defended the proposal of the Attorney General.

MR. WHALLEY concurred with the Attorney General so far as regarded the words proposed to be added to the clause; but the necessity for the Amendment showed that the Bill had been negligently drawn, and he held that any Member who would help by talking to dismiss the Bill altogether would be rendering a service to his country.

MR. LOPES took exception to the proposal, maintaining that the number of 15 Judges was entirely inadequate.

MR. AMPHLETT said, the discussion that had taken place on the question, and which occupied more than an hour, appeared to him to be a senseless one, but one impression was to be gathered from it, and that was that the number of

Judges was cut down too much. He shared that feeling, and considered that the Bill was being spoiled by the cutting down of the number of Judges.

Mr. MATTHEWS said, in order to reconcile the objections which had been offered to it he would move the insertion in the Attorney General's Amendment of the words "reduced or," so as to make it run thus—

"Provided always, that the total number of the Judges of the Supreme Court shall not be reduced or increased by any such Order" in Council.

The power of the Queen in Council ought to be limited to decreasing as well as increasing the Judges, particularly as there was some doubt about the words.

Amendment agreed to; words inserted accordingly.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 30 (Rules of court to provide for distribution of business) amended, and agreed to.

Clause 31 (Assignment of certain business to particular Divisions of High Court subject to rules).

THE ATTORNEY GENERAL moved, as an Amendment, the omission in page 20, line 24, of the words "and the London Court of Bankruptcy respectively." He proposed that the business of the Court should be transferred to the Court of Exchequer, as being upon the whole the most satisfactory arrangement that could be made, and it would only be temporary.

Amendment proposed, in page 20, line 24, to leave out the words "and the London Court of Bankruptcy respectively."—(Mr. Attorney General.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. JAMES feared that the object of the Amendment was to cast upon the Court of Exchequer the additional duty of undertaking the business of the Court of Bankruptcy. If that was intended to be the effect of the Amendment, he should certainly oppose it on the ground that the Court had not leisure for any additional business with its existing number of Judges.

Mr. VERNON HARCOURT was of opinion that Clause 31 was not required

at all, as preceding clauses sufficiently provided for the distribution of the business. Moreover, the Judges themselves had ample power to draw up rules as to the distribution of business.

THE ATTORNEY GENERAL, in defending the Amendment, said, its object was to clear the way for another Amendment. He must explain that he proposed the Amendment for the following reasons:—At present, no doubt, from the illness of one Judge and a vacancy, there were considerable, though temporary, arrears of business in the Court of Chancery. The question, therefore, arose where best could the bankruptcy portion of the business of that Court be transferred, pending suitable arrangements being made for the general distribution of the business. With Judges in Chancery who had to conduct the business of their Courts single-handed, it was impossible that the bankruptcy business could have any more fair play than it had had under the Act of 1869. But there were six Judges of the Court of Exchequer, and he would admit that they were not underworked; but they had less to do than the Judges in any of the other Courts in Westminster Hall, and one could, pending final arrangements, be, without inconvenience, intrusted with the disposal of appeals in Bankruptcy. That was an arrangement which, in the opinion of those who framed the Bill, was vital to the success of the measure, and one which he hoped the Committee would not hesitate to adopt. The Amendment, although only of a temporary character, was essential to the proper working of the 33rd clause, and therefore he hoped it would receive the support of the Committee.

Mr. AMPHLETT admitted that the Bankruptcy Act had not had fair play, but that was the fault of the Government. He trusted the Court of Bankruptcy would be kept in the Chancery Division. He thought it would be most injudicious to transfer the business of the Bankruptcy Court to the Court of Exchequer, as thereby Vice Chancellor Bacon, who had just got his Court into good order, would be dispossessed of it. He therefore hoped that nothing would be done to interfere with the position of Vice Chancellor Bacon. At the same time, it was absolutely necessary that they should have Judges in Bankruptcy

of higher rank and judicial experience than Registrars.

DR. BALL thought the Bankruptcy business, being of a very peculiar character, ought not to be thrust on the Exchequer Judges, who would be required to go on circuit, whereas the administration of Bankruptcy ought to be intrusted to a Judge who should constantly sit in London. He also objected to transferring Bankruptcy business from one experienced Judge to five, who would have to choose one from among themselves.

MR. OSBORNE MORGAN supported the view taken of the question by the hon. and learned Member (Dr. Ball); and hoped to sustain it, if the question went to a division.

MR. ASSHETON CROSS said, that in order to satisfy the Chancellor of the Exchequer, the Treasury wished to avoid the necessity of appointing an additional Vice Chancellor. He strongly objected to the proposed transfer of the Bankruptcy business. The effect of the proposal would be to transfer the business of the Court of Bankruptcy to the Exchequer Court, which was at present the most unpopular Court in the country.

THE SOLICITOR GENERAL explained that the arrangements were only temporary, being made for the purpose of bridging over the interval between the present time and the future time, when all the Judges would be competent to deal with all these questions of Law and Equity. Common Law men practised in Bankruptcy as well as Equity men; it was common ground; and he thought a much larger number of Common Law barristers than of Equity barristers went into Bankruptcy. This was so well known that it had been originally suggested that one of the Barons of the Court of Exchequer should be Chief Judge of the Court of Bankruptcy. The five Judges of the Court of Exchequer would divide the Bankruptcy business between them. With regard to the objection that had been made, that they would have to go on circuit, he did not apprehend there would ever be fewer than 16 Judges, so that two could remain in town during the Assizes, and they would be fully able to attend to the Bankruptcy business. Further, a re-arrangement of Judicial force would enable the Judges to do more business. It was not necessary to

have four Judges sitting in Banco disposing of cases less important than were disposed of by one Vice Chancellor. If business were done by one or two Judges in such Court, the remaining three or four would be available, and thus more work would be done by the same number of Judges than was done at present.

MR. WEST thought the question was one of such importance that Progress ought to be reported. He would move, therefore, that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. West.)*

MR. GLADSTONE expressed his willingness to accede to the suggestion.

MR. JAMES said, the result of reporting Progress now would be, that this subject would come up again at the Two o'clock sitting, when many of the legal Members, himself included, could not attend. The question had been fully discussed, and as a division would probably be taken soon after Two o'clock to-morrow, it would be much more convenient for those hon. Members who were engaged in business, if a decision were at once arrived at.

THE ATTORNEY GENERAL said, that there was a great deal of force in the appeal just made by his hon. and learned Friend (Mr. James). He should therefore propose to postpone the clause, and not renew the discussion upon it to-morrow at Two o'clock.

Question put.

The Committee *divided*:—Ayes 145; Noes 138; Majority 7.

House *resumed*.

Committee report Progress.

Motion made, and Question proposed, "That this House resolve into Committee on this Bill, To-morrow, at Two of the clock."—*(Mr. Attorney General.)*

MR. COLLINS rose to Order. He wished to know whether a clause could be postponed when the discussion upon it had once begun? He thought the clause having been put should be struck out, and brought up again.

MR. J. LOWTHER said, that an Amendment to the clause having been put from the Chair, the clause must either be *negatively*, and brought up

subsequently, or it must be proceeded with at Two o'clock to-morrow.

MR. DODSON said, that was a question which might be raised when the House was again in Committee on the Bill, but it could not be entertained by the House itself.

MR. JAMES said, that the question in that case would have to be discussed in the absence of himself and many other. After the assurance of the hon. and learned Attorney General, he should, however, leave the matter in his hands.

THE ATTORNEY GENERAL said, he could only say that he would do his best to keep faith with his hon. and learned Friend.

Question put, and agreed to.

Committee to sit again To-morrow at Two of the clock.

#### CONSPIRACY LAW AMENDMENT BILL.

(Mr. Vernon Harcourt, Mr. Mundella, Mr. Rathbone, Mr. James.)

[BILL 190.] SECOND READING.

MR. VERNON HARCOURT, in moving, according to Order, that the Bill be now read the second time, said, that it did not deal either with the vexed question of the Master and Servant Act, or the question of contract. The measure dealt simply with the question of conspiracy, and that only in the case of master and servant; and it provided that no prosecution for conspiracy should be instituted unless the offence was indictable by statute or was punishable under the provisions of some statute with reference to violent threats, intimidation, or molestation; that no prosecution should be instituted except with the consent of the Attorney or Solicitor General; and that persons convicted upon such prosecution should not be liable to any greater punishment than that provided by law for such cases as aforesaid. With regard to the magistrates, many of whom were employers of labour, it was particularly necessary in their case, that no prosecution should be instituted without the sanction of the Attorney General and Solicitor General, and with regard to the maximum penalty, he deemed it necessary that a change should be made in that provision of the law. The hon. and learned Member concluded by hoping that the House would consent to the second reading of

the Bill, the object of which was to bring the law down to the legislation of 1871.

MR. BRUCE said, he did not rise to offer any opposition to the second reading, but he could have wished that his hon. and learned Friend had accepted the challenge thrown down to him from the Treasury bench, and had brought in a Bill dealing with the general law of conspiracy. In assenting to the second reading, the Government must not be understood as entertaining no objection to the Bill. They would, when the proper time arrived, object to making these prosecutions subject to the approval of the Law Officers; but they would not object to fixing more definitely than had hitherto been the case the punishment applicable to offences of this nature.

Motion agreed to.

Bill read a second time, and committed for Thursday.

#### PUBLIC MEETINGS (IRELAND) BILL.

[BILL 157.]

(Mr. P. J. Smyth, Mr. M'Mahon, Mr. Ronayne, Sir John Gray, Mr. Downing, Mr. Butt.)

SECOND READING, ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [17th June], "That the Bill be now read a second time."

Question again proposed.

Debate resumed.

THE MARQUESS OF HARTINGTON said, that the same liberty of holding public meetings existed in Ireland as in England, but under an Act which the Bill proposed to repeal, meetings were not permitted of persons who professed to represent their fellow-subjects. It was probable that a Home Rule convention, or something of the kind—would if this Bill was allowed to pass—be convened in Dublin, and the question was whether it was desirable that a body of this nature should be allowed to assemble in Dublin, and represent themselves to the people as a sort of Irish Parliament. There were some objects of the Home Rule Convention with which he sympathized, and he hoped that they might be able to delegate to some local body both in Ireland and Scotland, matters of a peculiarly local character; but he thought that such an object would be more likely to be promoted by rejecting the present



Bill. It would be much better that the Imperial Parliament should declare consistently that there were certain objects which Home Rulers could never obtain, instead of encouraging false hopes. He trusted that the House would reject the second reading.

MR. J. LOWTHER said, he was gratified to hear the declaration just made by the noble Marquess, and the more so, because the House had seen an hon. Gentleman professing Home Rule principles led up to the Table in the early part of the evening by the noble Marquess. [Mr. BRUCE said a few words which were not heard.] He was glad to hear the right hon. Gentleman repudiate the election utterances of the hon. Gentleman who had taken his seat that evening.

MR. BUTT said, that the Bill had been introduced by his hon. Friend the Member for Westmeath (Mr. Smyth), but as he was not in his place, he did not like to see the Order become a dropped Order. He entertained no doubt that he should one day see the noble Marquess, or some one in his position, bring in a Bill conceding everything that the Home Rulers asked. He had himself heard speeches at meetings in England which if made in Ireland would have made the assembly amenable to the law.

Question put, and *negatived*.

#### SEDUCTION LAWS AMENDMENT BILL.

(Mr. Charley, Mr. Eykyn, Mr. Mundella,  
Mr. Whitwell.)

[BILL 10.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1, *agreed to*.

On the Motion of Mr. CHARLEY, Clauses 2, 3, and 4 *struck out* of the Bill; and new clauses (Repeal of sections 50 and 51 of 24 and 25 Vic. c. 100), and (abusing a girl under twelve years of age) *inserted in place* thereof.

MR. BRUCE said, that the hon. and learned Member for Salford (Mr. Charley) had struck out the whole of his Bill, and had replaced it by two clauses; and as he approved of the object which those clauses effected, he should no longer oppose the measure.

*The Marquess of Hartington*

MR. WHARTON moved a new clause providing, at the discretion of the court, that whipping may be added to other punishment, if the girl is under 12 years old. Where a man was a brute he should be treated as one.

New Clause (Whipping may be added to other punishment if the girl is under twelve years old.)—(Mr. Wharton.)—*brought up*, and read the first time.

MR. BRUCE said, he felt bound to resist the proposal, on the ground that it affirmed a vindictive principle which it was not desirable to carry further than was necessary.

MR. WHARTON said, he intended this clause to act as a deterrent merely. He was induced to move it, from observing what a beneficial effect a like punishment had upon a somewhat kindred crime—namely, that of garrotting.

MR. BRUCE said, he must point out that garrotting had in a great measure ceased before the Act inflicting whipping as a punishment for it was passed. Moreover, he considered that as they had already passed a clause inflicting penal servitude for at least five years, they ought not to add corporal punishment, the deterrent effect of which, to say the least, he considered of doubtful effect.

MR. BERESFORD HOPE, in supporting the clause, said, he agreed with his hon. Friend who moved it, that whipping should be inflicted in cases of this sort. He would make the brutes who committed such crimes wince and howl.

Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 39; Noes 25: Majority 14.

Bill *reported*; as amended, to be considered upon *Thursday*, and to be *printed*. [Bill 223.]

#### MEDICAL ACT AMENDMENT (UNIVERSITY OF LONDON) BILL.

On Motion of Sir JOHN LUBBOCK, Bill to amend the Medical Act as regards the University of London, *ordered* to be brought in by Sir JOHN LUBBOCK, Mr. CHANCELLOR of the EXCHEQUER, Sir PHILIP EGERTON, and Mr. ROBERT FOWLER.

Bill *presented*, and read the first time. [Bill 224.]

## ULSTER TENANT RIGHT BILL.

On Motion of Mr. BUTT, Bill to make provision for more effectually securing the Ulster Tenant Right, and to amend "The Landlord and Tenant (Ireland) Act, 1870," *ordered* to be brought in by Mr. BUTT, Mr. CALLAN, and Mr. P. J. SMYTH.

Bill *presented*, and read the first time. [Bill 225.]

ELEMENTARY EDUCATION ACT (1870)  
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On Motion of Mr. HEYGATE, Bill to amend "The Elementary Education Act, 1870," in respect of the period which must elapse between the rejection and renewal of a Resolution for application for a School Board," *ordered* to be brought in by Mr. HEYGATE, Mr. AKROYD, and Mr. FRANCIS S. POWELL.

Bill *presented*, and read the first time. [Bill 228.]

## RAILWAYS AMALGAMATION BILL.

On Motion of Mr. STAPLETON, Bill to provide for the Amalgamation of Railways, and to enable local authorities to influence the administration of the Amalgamated Railways, *ordered* to be brought in by Mr. STAPLETON and Mr. DICKINSON.

Bill *presented*, and read the first time. [Bill 227.]

## PRISONERS ON REMAND BILL.

On Motion of Mr. HENRY B. SHERIDAN, Bill to regulate the treatment of persons in custody charged with crime or misdemeanor, whether on remand or committed for trial, *ordered* to be brought in by Mr. HENRY B. SHERIDAN, Mr. LOCKE, and Mr. M'LAGAN.

Bill *presented*, and read the first time. [Bill 226.]

House adjourned at  
Two o'clock.

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When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

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c. Ordered; read 1<sup>o</sup> \* June 9 [Bill 185]

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c. Ordered; read 1<sup>o</sup> \* May 26 [Bill 176]  
Read 2<sup>o</sup> \* June 16  
Bill committed to a Select Committee \* June 19  
Report \* June 26  
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Read 3<sup>o</sup> \* July 3  
i. Read 1<sup>o</sup> \* July 4 (No. 197)

**Blackwater Bridge [Composition of Debt] Bill**

(Mr. Baxter, Mr. William Henry Gladstone)

c. Ordered; read 1<sup>o</sup> \* May 26 [Bill 177]  
Bill read 2<sup>o</sup>, after short debate June 30, 1605  
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c. Moved, "That the Order for 2R. be discharged" (Colonel Stuart Knox) May 31, 268; after short debate, Question put; A. 108, N. 128; M. 20; 2R. deferred [Bill 118]

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(Mr. Cross, Mr. Gourley, Mr. Walpole, Mr. Gregory, Mr. Torrens, Mr. Dodds)

c. Bill withdrawn \* July 7 [Bill 109]

**Building Societies (No. 2) Bill**

(Mr. Winterbotham, Mr. Secretary Bruce, Mr. Solicitor General)

c. Bill withdrawn \* June 16 [Bill 141]

**Building Societies (No. 3) Bill**

(Mr. Winterbotham, Mr. Secretary Bruce)

c. Ordered \* June 13

Read 1<sup>o</sup> \* June 16

Bill withdrawn \* July 7 [Bill 195]

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**Canada Loan Guarantee Bill**

(Mr. Bonham-Carter, Mr. Knatchbull-Hugessen, Mr. Baxter)

c. Moved, "That the Bill be now read 2<sup>o</sup>" June 24, 1313

Amendt. to leave out "now," and add "upon this day three months" (Sir Charles Dilke); after debate, Question put, "That 'now,' &amp;c.;" A. 117, N. 16; M. 102

Main Question put, and agreed to; Bill read 3<sup>o</sup> [Bill 159]

Committee \*; Report June 26

Read 3<sup>o</sup> \* June 27l. Read 1<sup>o</sup> \* (Earl of Kimberley) June 30

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**CANDLISH, Mr. J., Sunderland**

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Bill reported \* June 20 (No. 169)

Committee \* June 26

Report \* June 27

(No. 169)

Read 3<sup>o</sup> \* July 8

Royal Assent July 21 [36 &amp; 37 Vict. c. 39]

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(Mr. Charles Gilpin, Mr. Robert Fowler, Mr. Hadfield, Mr. McLaren)

c. Bill withdrawn \* June 26

[Bill 46]

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1. Presented; read 1<sup>st</sup> June 17 (No. 162)  
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Question, Mr. Dent; Answer, Mr. Stansfeld  
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**Church of England—Sacramental Confession—Letters of the Primates**

Questions, Viscount Sandon, Mr. Whalley; Answers, Mr. Gladstone July 7, 1851

**Churches of England and Scotland—Dis-establishment**

Amendt. on Committee of Supply May 16, To leave out from "That," and add "the establishment by Law of the Churches of England and Scotland involves a violation of religious equality, deprives those churches of the right of self-government, imposes on Parliament duties which it is not qualified to discharge,"

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**Churches of England and Scotland—Disestablishment—cont.**

and is hurtful to the religious and political interests of the community, and, therefore, ought no longer to be maintained" (*Mr. Miall*) v., 16; Question proposed, "That the words, &c.;" after short debate, Question put; A. 356, N. 61; M. 295

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(*Mr. Downing, Sir Colman O'Loughlen, Mr. Smith Barry, Mr. William Shaw*)

c. Ordered; read 1<sup>st</sup> June 11 [Bill 187]

**Civil Service Writers**

*Case of the Writers*, Question, Personal Explanation, Mr. Otway; Reply, Mr. Gladstone June 12, 842; Question, Mr. Otway; Answer, Mr. Chancellor of the Exchequer June 17, 1062

Select Committee appointed "to inquire whether Writers appointed before August 1871 have suffered any wrong or injustice by the cessation of the system of a progressive rate of payment" (*Mr. Otway*) June 17, 1108; List of the Committee, 1109

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(*Mr. Hinde Palmer, Mr. Locke King*)

c. Ordered; read 1<sup>st</sup> June 18 [Bill 197]

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 Shah of Persia, Arrival of the, Motion for Adjournment, 1135  
 Supreme Court of Judicature, Comm. cl. 31, 1888  
 Turnpike Acts Continuance, &c., Comm. 1757

**COLMAN, Mr. J. J., Norwich**

Rating (Liability and Value), 2R. 304

**Colonial Church Bill [H.L.] (No. 118)**

(The Lord Blackford)

- l. Bill read 2<sup>a</sup>, and referred to a Select Committee, after short debate May 27, 484;  
 List of the Committee, 493

**COLONSAY, Lord**

Conveyancing (Scotland), 2R. 1687  
 Law Agents (Scotland), 2R. 1781

**Commons, Inclosure of—Legislation**

Question, Mr. Spencer Stanhope; Answer, Mr. Bruce May 26, 432

**Consolidated Fund (£12,000,000) Bill**

(Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter)

- c. Ordered; read 1<sup>a</sup> May 16  
 Read 2<sup>a</sup> May 19  
 Committee\*; Report May 21  
 Read 3<sup>a</sup> May 22

**Consolidated Fund (£12,000,000) Bill—cont.**

- l. Read 1<sup>a</sup> (Earl Granville) May 23  
 Read 2<sup>a</sup> May 26  
 Committee\*; Report May 27  
 Read 3<sup>a</sup> June 9  
 Royal Assent June 16 [36 Vict. c. 26]

**Consolidated Fund, &c. (Permanent Charges Redemption) Bill**

(Mr. Baxter, Mr. William Henry Gladstone)

- c. Ordered; read 1<sup>a</sup> June 24 [Bill 204]  
 Read 2<sup>a</sup> June 30  
 Committee\*; Report July 3  
 Read 3<sup>a</sup> July 4  
 l. Read 1<sup>a</sup> (Marquess of Lansdowne) July 7 (No. 198)

**Consolidated Rate Bill (Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert)**

- c. Bill withdrawn\* July 7 [Bill 148]

**Conspiracy Law Amendment Bill**

(Mr. Vernon Harcourt, Mr. Mundella, Mr. Rathbone, Mr. James)

- c. Ordered\* June 11  
 Read 1<sup>a</sup> June 12 [Bill 190]  
 Bill read 2<sup>a</sup>, after short debate July 7, 1889

**Contagious Diseases Acts Repeal (1866-1869) Bill (Mr. William Fowler, Mr. Jacob Bright, Mr. Mundella)**

- [Bill 29]  
 c. Moved, "That the Bill be now read 2<sup>a</sup>" May 21, 218  
 Amendt. to leave out "now," and add "upon this day six months" (Sir John Pakington); after long debate, Question put, "That now, &c.;" A. 128, N. 251; M. 123  
 Words added; main Question, as amended, put, and agreed to; Bill put off for six months

**Conveyancing (Scotland) Bill**

(Mr. Secretary Bruce, The Lord Advocate, Mr. Winterbotham)

- c. Committee—R.P. May 19, 150 [Bill 108]  
 Committee; Report May 27, 503 [Bill 178]  
 Considered\* June 5  
 Read 3<sup>a</sup> June 6  
 l. Read 1<sup>a</sup> (The Lord Chancellor) June 9  
 Bill read 2<sup>a</sup>, after debate July 3, 1685 (No. 141)

**CORBETT, Colonel E., Shropshire, S.**

Army—Auxiliary Forces, 1854

Militia—General Orders, 908

Criminal Law—Chipping Norton Magistrates, 501

**CORRANCE, Mr. F. S., Suffolk, E.**

Landlord and Tenant, 2R. 1645

Parliamentary Elections (Expenses), 2R. 1126  
 Rating (Liability and Value), 2R. 284; Comm. 739; cl. 3, 923; Amendt. 1023, 1028, 1029; cl. 13, 1193, 1195, 1239; cl. 15, 1424

**CORRIGAN, Sir D. J., *Dublin City***  
Ireland—Civil Servants, Res. 1826

**County Authorities (Loans) Bill**

(*Mr. Winterbotham, Mr. Secretary Bruce*)

- c. Considered \* May 16 [Bill 134]
- Read 3<sup>o</sup> \* May 19
- l. Read 1<sup>o</sup> \* (*Earl of Morley*) May 20 [(No. 124)]
- Read 2<sup>o</sup> \* June 10
- Committee \*; Report June 13
- Read 3<sup>o</sup> \* June 16
- Royal Assent July 7 [36 & 37 Vict. c. 35]

**County Franchise (Ireland) Bill**

(*Mr. Callan, Mr. Mitchell Henry, Mr. Downing*)

- c. 2R. discharged \* June 18 [Bill 119]

**Court of Queen's Bench (Ireland) (Grand Juries) Bill** (*Sir Colman O'Loghlen, Mr. Serjeant Sherlock*)

- c. Ordered; read 1<sup>o</sup> \* June 19 [Bill 198]
  - Read 2<sup>o</sup> \* June 23
  - Committee \*; Report June 26
  - Read 3<sup>o</sup> \* June 27
  - l. Read 1<sup>o</sup> \* (*Lord O'Hagan*) June 30 (No. 184)
- COURTOWN, Earl of**  
Colonial Church, 2R. 491

**Courts of Justice, *The New***

Observations, Mr. Gregory; Reply, Mr. Ayrton; debate thereon May 29, 396

**COWPER, Earl**

Railway Casualties, Motion for Returns, 832

**COWPER-TEMPLE, Right Hon. W. F., *Hampshire, S.***

Contagious Diseases Acts Repeal, 2R. 266

**CRAUFURD, Mr. E. H. J., *Ayr, &c.***

Church of Scotland (Patronage), Res. Previous Question moved, 1100

Conveyancing (Scotland), Comm. cl. 13, 506; cl. 16, 508; cl. 41, 512

Juries, Comm. cl. 5, 517; cl. 45, 535, 538

Law Agents (Scotland), Comm. cl. 2, 541; Amendt. 543, 544; cl. 5, Amendt. 545; cl. 7, 613; cl. 8, Amendt. ib., 614; cl. 13, Amendt. 615; cl. 15, Amendt. ib.; cl. 19, Amendt. 616

Rating (Liability and Value), Comm. 741; cl. 2, 910; cl. 3, 924

Roads and Bridges (Scotland), 2R. Amendt. 804

Valuation, 2R. 318

**CRAWFORD, Mr. R. W., *London***

Juries, Comm. cl. 5, Amendt. 522, 523, 524, 525

Post Office—Mail Contracts—Cape and Zanzibar, 1211

**CRIMINAL LAW**

*Case of John Tomkinson*, Question, Mr. Charley; Answer, Mr. Bruce June 16, 992

*Chipping Norton Magistrates*, Question, Mr. Mundella; Answer, Mr. Bruce May 26, 429; Questions, Mr. Corbett, Mr. Bowring; Answers, Mr. Bruce May 27, 501; Question, Mr. Bowring; Answer, Mr. Bruce June 6, 548; Explanation, Mr. Bruce June 9, 639; Questions, Sir George Jenkinson, Mr. Corbett, Mr. Bowring; Answers, Mr. Bruce July 4, 1784

*Outrage at the Bath Election*, Question, Mr. Dixon; Answer, Mr. Bruce June 30, 1553

*The Folkestone Magistrates—Case of "Coleman v. Smithson,"* Question, Mr. F. S. Powell; Answer, Mr. Bruce June 27, 1497

*The Halstead Magistrates—Case of Samuel Mays*, Question, Mr. P. A. Taylor; Answer, Mr. Bruce June 19, 1163

**Criminal Law—*The Tichborne Case—The Queen v. Castro***

Question, Observations, Mr. Whalley; Reply, Mr. Bruce May 23, 408

Moved, "That in the case of 'The Queen v. Castro, alias Tichborne,' Copies be produced of the Application to the Lords of the Treasury for aid to the Defendant, and of the Reply thereto; of the Correspondence between Mr. Whalley, M.P., and the Solicitor to the Treasury on the subject of the said prosecution; and for a Return of the sums allowed by the Treasury in respect of Fees to Counsel and other expenses incurred by prisoners in Ireland during the last ten years" (*Mr. Whalley*) June 13, 959; after debate, the last paragraph struck out; Motion, as amended, agreed to

Copies ordered, "of the Application to the Lords of the Treasury for aid to the Defendant in the case of Queen v. Castro alias Tichborne, and of the Reply thereto; and of the Correspondence between Mr. Whalley, M.P., and the Solicitor to the Treasury, on the subject of the said prosecution" (*Mr. Whalley*)

Question, Mr. Whalley; Answer, The Chancellor of the Exchequer June 19, 1167

*Prosecution for Contempt of Court*, Question, Mr. Whalley; Answer, Mr. Gladstone June 17, 1064; Explanation, The Attorney General June 19, 1173

**CROSS, Mr. R. Assheton, *Lancashire, S.W.***

Building Societies, 15

Juries, Comm. cl. 5, 521; cl. 41, 532; cl. 45, 535; Motion for reporting Progress, 539; cl. 57, 1519

Parliament—Public Business, 1860

Railway and Canal Traffic, Lords Amendts. Amendt. 1301, 1303, 1304, 1305

Rating (Liability and Value), 2R. 306; Comm. cl. 3, 1024, 1026

Supreme Court of Judicature, 2R. 686; Comm. cl. 13, Amendt. 1749, 1750; cl. 18, 1791; cl. 27, Amendt. 1873, 1874; cl. 31, 1887

Turnpike Acts Continuance, &c., Comm. 1758

**Crown Lands Bill—Formerly  
Woods and Forests Bill**

(*The Duke of St. Albans*)

1. Read 2<sup>a</sup> *May 23* (No. 117)  
Committee \*; Report *June 10*  
Read 3<sup>a</sup> *June 13*  
Royal Assent *July 7* [36 & 37 Vict. c. 36]

**Crown Private Estates Bill [H.L.]**

(*The Lord Chancellor*)

1. Presented; read 1<sup>a</sup> *June 26* (No. 175)  
Bill read 2<sup>a</sup> *June 30, 1850*  
Committee \*; Report *July 1*  
Read 3<sup>a</sup> *July 3*  
c. Read 1<sup>o</sup> (*Mr. Gladstone*) *July 7* [Bill 222]

**Crown Salmon Fishings (Scotland)**

Questions, Mr. Ellice; Answers, Mr. Baxter  
*June 20, 1227; June 26, 1412*

**Customs Duties (Isle of Man) Bill**

(*Marquess of Lansdowne*)

1. Read 2<sup>a</sup> *June 10* (No. 116)  
Committee \*; Report *June 12*  
Read 3<sup>a</sup> *June 13*  
Royal Assent *June 16* [36 Vict. c. 29]

**DALHOUSIE, Earl of**

Church of Scotland (Patronage), Res. 1044,  
1053

**DALRYMPLE, Mr. C., Buteshire**

Church of Scotland (Patronage), Res. 1007  
Education—Night Schools, 836  
Hypothec Abolition (Scotland), 2R. 1351  
Supply—Education, England and Wales, 1460

**DALRYMPLE, Mr. D., Bath**

Habitual Drunkards, 353; 2R. 1109  
Parliament—Order of Business, 841  
Supply—Report, 469

**DAVIES, Mr. R., Anglesey Co.**

Endowed Schools Commissioners — David  
Hughes's Charity, 635

**DE L'ISLE AND DUDLEY, Lord**

Army—Education of Officers, 1835, 1839

**DENISON, Mr. C. BECKETT-, Yorkshire,  
W. R., E. Div.**

Army Estimates—Administration of the Army,  
1292  
Post Office—Telegraphs, Purchase of—Out-  
standing Claims, 1165  
Railway and Canal Traffic, Lords Amendments. 1303  
Shah of Persia, Visit of, 498, 638

**DENMAN, Lord**

Judicial Peerages, Motion for an Address, 1762  
Edmunds, Leonard, Esquire, Petition of, 978

**DENT, Mr. J. D., Scarborough**

Cholera, The, 1854  
Rating (Liability and Value), Comm. cl. 3, 1005

**DERBY, Earl of**

Alkali Act (1863)—Petition, 1778  
India—Banda and Kirwee Prize Money, 1702

**DE ROS, Lord**

Army—Education of Officers, 1736  
Recruiting, 1619  
Royal Military Academy—Woolwich Exa-  
minations, 1839  
Army—Control Department, Motion for Papers,  
1223  
Children's Employment in Dangerous Per-  
formances, 2R. 1244

**DICKINSON, Mr. S. S., Stroud**

Army Estimates—Administration of the Army,  
1292

**DILKE, Sir C. W., Chelsea, &c.**

Army—Duke of York's School, 1248  
Canada Loan Guarantee, 2R. Amendt. 1320  
Gas Companies—Increased Price of Gas, 269

**DILLWYN, Mr. L. L., Swansea**

Juries, Comm. cl. 5, Amendt. 521  
Post Office—Telegraphs, Extension of—Mis-  
application of Funds, 1172

**Diplomatic and Consular Services**

Consul General in Egypt, Question, Mr. W.  
Lowther; Answer, Viscount Enfield *May 22,*  
272  
Greek Legations, Question, Mr. Ion Hamilton;  
Answer, Viscount Enfield *May 22, 275*  
Pensions to Widows of Consular Officers,  
Question, Mr. Baillie Cochrane; Answer,  
Viscount Enfield *June 30, 1560*

**DISRAELI, Right Hon. B., Buckingham-  
shire**

Factory Acts Amendment, 2R. 827  
Parliament—Public Business, 1860  
Post Office—Mail Contracts, Res. 710, 934;—  
Cape and Zanzibar, 1214, 1241  
Rating (Liability and Value), Comm. cl. 3,  
925, 932  
Supreme Court of Judicature, 2R. 685; Comm.  
1567; cl. 6, 1712, 1728, 1729, 1746

**DIXON, Mr. G., Birmingham**

Criminal Law—Bath Election, Outrage at the,  
1553  
Elementary Education Act (1870) Amendment,  
Leave, 905, 908  
Parliament—Business of the House, 1172

**DODDS, Mr. J., Stockton**

Probates, &c. of Wills (Scotland), 272

**DODSON, Right Hon. J. G., Sussex, E.**

Rating (Liability and Value), 2R. 315; Comm.  
cl. 3, 922, 1006, 1010, 1018, 1019, 1022,  
1030; cl. 15, 1425, 1429  
Supreme Court of Judicature, Comm. cl. 31,  
1899



**DOWNING, Mr. M'Carthy, Cork Co.**

Army—Carlisle Fort, 839

Board of Education (Ireland)—O'Keeffe, Rev.

Mr., Nomination of Committee, 830

Clerical Magistrates, 550

General Valuation (Ireland), Comm. 1830

Ireland—Civil Servants, Res. 1815

**Drainage and Improvements of Land (Ireland) Provisional Order (No. 3) Bill** (Mr. William Henry Gladstone, Mr. Baxter)c. Ordered; read 1<sup>st</sup> June 5 [Bill 183]Read 2<sup>nd</sup> June 10Committee<sup>e</sup>; Report June 19Read 3<sup>rd</sup> June 20l. Read 1<sup>st</sup> (Marquess of Lansdowne) June 28 (No. 166)**Drainage of Land (Ireland) Act, 1863—Drainage of the Rivers Suck and Shannon**

Question, Major Trench; Answer, The Chancellor of the Exchequer June 27, 1498; June 30, 1559

**DUCIE, Earl of**

Endowed Schools Commissioners—King Edward VI.'s Grammar School, Birmingham, Motion for an Address, Amendt. 80

**DUFF, Mr. M. E. Grant (Under Secretary of State for India), Elgin, &c.**

East India Museum, 838

India—Questions, &amp;c.

Central Asia—Afghanistan, 1811;—Khan of Khelat, 1416

Indian Officers—Siege of Lucknow, 1418

Kierree Prize Money, 273

Mutiny Medal—20th Regiment, 1864

Scientific Corps, Officers of the, 270, 354

Snake-Bites, Deaths by, 275

**DUFF, Mr. R. W., Banffshire**

Hypothec Abolition (Scotland), 2R. 1867

Navy Estimates—Coast Guard Service, 126

Dockyards, &amp;c. 140

**DUNSANY, Lord**

Juries (Ireland), 3R. Amendt. 906

Peace Preservation (Ireland) Acts Continuance, 2R. 383

Rock of Cashel, 2R. 424

**DYNEVOB, Lord**

Agricultural Children, 2R. 721

Public Worship Facilities—Standing Order No. 34a, 163; 2R. 1395

**East India House Museum**

Question, Mr. Reed; Answer, Mr. Grant Duff June 12, 838

**East India Loan Bill**

(Duke of Argyll)

l. Read 2<sup>nd</sup> May 20 (No. 109)Committee<sup>e</sup>; Report May 23Read 3<sup>rd</sup> May 26

Royal Assent June 16 [36 Vict. c. 32]

**East India (Railway Shares) Bill—Afterwards****Indian Railways Registration Bill**

(Mr. Grant Duff, Mr. Ayrton)

c. Ordered; read 1<sup>st</sup> May 21 [Bill 168]Read 2<sup>nd</sup> May 26Committee<sup>e</sup>—s.r. June 12Committee<sup>e</sup>; Report June 16Read 3<sup>rd</sup> June 18l. Read 1<sup>st</sup> (Duke of Argyll) June 19 (No. 164)**EASTWICK, Mr. E. B., Penryn, &c.**

Central Asia—Russian Map, 500;—Khan of Khelat, 1416

Chinese Coolie Trade, 390

Fiji, Protectorate of, Res. 955

Post Office—Mail Contracts, Res. 708

**Ecclesiastical Commissioners Bill [H.L.]**

(The Lord President)

l. Presented; read 1<sup>st</sup> June 20 (No. 170)Read 2<sup>nd</sup> June 27Committee<sup>e</sup> July 7 (No. 200)**Edmunds, Leonard, Esquire—Petition of**

Moved, "That the petition of Leonard Edmunds, esquire, presented on the 26th day of May last, be referred to the Comptroller and Auditor General, with directions to him to examine the several accounts mentioned therein, and any other accounts which may be submitted to him relating to the matters set forth in such petition, and to report thereon to the House" (The Lord Redesdale) June 16, 963; after debate, on Question? resolved in the negative

**Education of Blind and Deaf-Mute Children Bill (Mr. Wheelhouse, Mr. Mellor)**

c. 2R. negatived, after short debate June 10, 795 [Bill 53]

**Education—Report of the Committee of Council**

Question, Sir Charles Adderley; Answer, Mr. W. E. Forster July 7, 1863

**Education (Scotland) Act, 1872**

School Boards—Inspectors of the Poor, Question, Sir Robert Anstruther; Answer, Mr. Bruce May 19, 98

The Poor Law, Question, Mr. Miller; Answer, The Lord Advocate June 26, 1412

**EGERTON, Hon. A. F., Lancashire, S.E.**

Landlord and Tenant, 2R. 1648

Rating (Liability and Value), Comm. cl. 3, 1079

**EGERTON, Hon. Wilbraham, Cheshire, Mid.**

Rating (Liability and Value), Comm. cl. 3, 1030

**Egypt—Sir Samuel Baker—Telegram**

Question, Mr. Cadogan; Answer, Viscount Enfield June 20, 1861

**ELCHO, Lord, Haddingtonshire**

Army—Auxiliary Forces—Volunteer Bands, 637

Valise Equipment, The New, 1165

Army Estimates—Administration of the Army, 1292

Clothing Establishments, &c. 1263

Control Establishments—Wages, &c. 1255, 1258

Military Education, 1286

Provisions, Forage, &c. 1261

Warlike Stores, 1274, 1276

Works, Buildings, &c. 1279

Hypothec Abolition (Scotland), 2R. 1371

Landlord and Tenant, 2R. 1646, 1650

Law Agents (Scotland), Comm. cl. 5, Amendt. 544

Masters and Servants—Law of Contract, Res. 584

Navy Estimates—Admiralty Office, 122

Parliament—Whitsun Recess, Adjournment for, 498

Roads and Bridges (Scotland), 2R. 808, 812

Shah of Persia, Visit of the, 1173

**Elementary Education**

*Cost per Head—Explanation*, Question, Sir Henry Wilmot; Explanation, Mr. W. E. Forster June 12, 835

*English and Scotch Codes*, Question, The Marquess of Bristol; Answer, The Marquess of Ripon June 19, 1158

*Night Schools*, Question, Mr. C. Dalrymple; Answer, Mr. W. E. Forster June 12, 836

**Elementary Education (England) Act, 1870**

*London School Rate*, Question, Sir John Ken- naway; Answer, Mr. Stansfeld May 20, 169

*School Accommodation*, Question, Mr. Salt;

Answer, Mr. W. E. Forster June 16, 991;

Questions, Mr. Scourfield; Answer, Mr. W. E. Forster June 23, 1249

*School Boards*, Question, Observations, Lord Buckhurst; Replies, The Earl of Morley,

Viscount Halifax June 16, 987

*School Fees of Pauper Children*, Question, Sir Michael Hicks-Beach; Answer, Mr.

Stansfeld July 3, 1709

*The National Anthem*, Question, Mr. Hunt;

Answer, Mr. W. E. Forster June 26, 1413

**Elementary Education Act (1870)**

**Amendment Bill**

(Mr. William Edward Forster, Mr. Secretary Bruce)

- c. Orders of the Day postponed June 12, 843  
 Motion for Leave (Mr. W. E. Forster) June 12, 900; after short debate, Motion agreed to; Bill ordered; read 1° [Bill 188]  
 Notice of Amendment; Question, Mr. W. H. Smith; Answer, Mr. Dixon June 13, 908

**Elementary Education Act (1870) Amend- ment (Application for School Board)**

Bill (Mr. Heygate, Mr. Akroyd, Mr. Francis S. Powell)

- c. Ordered; read 1° July 7 [Bill 228]

**Elementary Education Provisional Order Confirmation (No. 1) Bill**

(The Lord President)

- l. Report \* June 20 (No. 68)

**Elementary Education Provisional Order Confirmation (No. 4) Bill [H.L.]**

(The Lord Privy Seal)

- l. Presented; read 1° June 10 (No. 151)  
 Read 2° June 19  
 Committee\*; Report June 20  
 Read 3° June 23  
 c. Read 1° (Mr. W. E. Forster) June 27  
 Read 2° June 30 [Bill 208]

**Elementary Education Provisional Order Confirmation (No. 5) Bill [H.L.]**

(The Lord Privy Seal)

- l. Presented; read 1° June 10 (No. 149)  
 Read 2° June 19  
 Committee\*; Report June 20  
 Read 3° June 23  
 c. Read 1° (Mr. W. E. Forster) June 27  
 Read 2° June 30 [Bill 209]

**Elementary Education Provisional Order Confirmation (No. 6) Bill [H.L.]**

(The Lord Privy Seal)

- l. Presented; read 1° June 10 (No. 152)  
 Read 2° June 19  
 Committee\*; Report June 20  
 Read 3° June 23  
 c. Read 1° (Mr. W. E. Forster) June 27  
 Read 2° June 30 [Bill 210]

**ELLICE, Mr. E., St. Andrews, &c.**

Hypothec Abolition (Scotland), 2R. 1357

Roads and Bridges (Scotland), 2R. 816

Salmon Fishings, Crown, 1227, 1228, 1412

**ELLIOT, Mr. G., Durham, N.**

Nitro Glycerine Act (1869), 57

**ELPHINSTONE, Sir J. D. H., Portsmouth**

"Alabama"—Compensation to British Ship- owners, 356, 433

Army—Military Hospital at Portsea, 839

Fiji, Protectorate of, Res. 958

Hypothec Abolition (Scotland), 2R. 1369

Labourers Cottages (Scotland), 2R. Amendt. 1142

Mercantile Marine—Unseaworthy Ships, Com- mission as to, 167

Navy Estimates—Admiralty Office, 108, 112

Dockyards, &c. 141

Naval Stores, 438, 445

New Works, &c. 451

Scientific Departments, 129

Shah of Persia, Visit of—Naval Review at Spithead, 909

Supply—Alabama Claims, 411

**Endowed Schools Commissioners — David**

*Hughes's Charity, Beaumaris*

Question, Mr. Davies; Answer, Mr. W. E. Forster June 9, 635

**Endowed Schools Commissioners—King Edward VI.'s Grammar School, Birmingham**

Moved, "That an humble Address be presented to Her Majesty, praying that Her Majesty will withhold her assent from the scheme of the Endowed Schools Commissioners relating to the Free Grammar School of King Edward VI. in Birmingham" (*The Marquess of Salisbury*) May 19, 74

Amendt. moved, after ("from") to insert ("so much of") (*The Earl of Ducie*); after debate, on Question; Cont. 60, Not-Cont. 106; M. 46; resolved in the negative; then original Motion for said Address agreed to

Division List, Cont. and Not-Cont. 95

Her Majesty's Answer to the Address reported May 26, 414

**Endowed Schools Act (1869) Amendment Bill** (*Mr. William Edward Forster, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>o</sup> June 26

[Bill 207]

**ENFIELD, Viscount** (Under Secretary of State for Foreign Affairs), *Middlesex* "Alabama"—Compensation to British Ship-owners, 356, 434

Baker, Sir Samuel—Telegram, 1561

Bosnia—Moslem Fanaticism, Alleged Outbreak of, 1786

Brazil—British Subjects, Claims of, 1249

Central Asia—Attrek Valley, 841;—Russian Map, 500

Central Asian Railway, 546

Chinese Coolie Trade, 386

Diplomatic Service—Pensions to Widows of Consular Officers, 1561

Fiji, Protectorate of, Res. 958

Foreign Office—Consul General (Egypt), 272

Greek Legations, 275

France and Belgium—Travellers' Luggage, Examination of, 1230

France—Commercial Treaty, The New, 1311, 1558, 1863

Treaty of Commerce (1872), 1784

Shah of Persia, Visit of, 638, 724

Spain—Spanish Republic, Recognition of, 837

Supply—Report, 459

Sweden, Coronation of the King of, 363

Turkey and Greece—Brigandage, 1710

Zanzibar, Treaty with the Sultan of, 1247

**Entailed and Settled Estates (Scotland) Bill** (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)

c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 4, 1881; after short debate, Moved, "That the Debate be now adjourned" (*Sir John Hay*); Question put; A. 20, N. 65; M. 45

Question again proposed, "That Mr. Speaker, &c.;" Moved, "That this House do now adjourn" (*Mr. James Lowther*); Motion withdrawn

Original Question put, and agreed to; Committee—A.F. [Bill 130]

**Epping Drainage**

Moved, "That it is inexpedient that any such further rate should be raised in the present unsatisfactory state of the works, and whilst the uncertainty still exists of obtaining a sufficient water supply to justify their expenditure of such a large sum of money" (*Sir Henry Selwin-Ibbetson*) July 1, 1843

[House counted out]

**ERSKINE, Admiral J. E., Stirlingshire**

Fiji, Protectorate of, Res. 954

Navy Estimates—Admiralty Office, 118

Coast Guard Service, Amendt. 123, 126, 127

Dockyards, &c. 148

**EWING, Mr. A. Orr, Dumbarton**

Church of Scotland (Patronage), Res. 1102

Hypothec Abolition (Scotland), 2R. 1365

Law Agents (Scotland), Comm. cl. 2, 544; cl. 8, 615

Roads and Bridges (Scotland), 2R. 802

**EXCHEQUER, CHANCELLOR of the, see CHANCELLOR of the EXCHEQUER**

**EXETER, Marquess of**

Army—Militia Reserve—Annual Bounty, 986

**Extradition Act (1870) Amendment Bill**

(*Mr. Attorney General, Mr. Solicitor General*)

c. Ordered; read 1<sup>o</sup> July 3 [Bill 220]

**EYKYN, Mr. R., Windsor**

Masters and Servants—Law of Contract, Res. 610

**Factory Acts Amendment Bill**

(*Mr. Mundella, Mr. Morley, Mr. Shaw, Mr. Phillips, Mr. Cobbett, Mr. Anderson*)

c. 2R.; after short debate, Debate adjourned June 11, 819 [Bill 47]

**Fairs Bill** (*The Earl of Feversham*)

l. Bill read 2<sup>o</sup>, after debate May 20, 158 (No. 97)

Committee May 26

Report June 16 (No. 131)

Read 3<sup>o</sup> June 29

Royal Assent July 7 [36 & 37 Vict. c. 37]

**FAWCETT, Mr. H., Brighton**

Factory Acts Amendment, 2R. 826

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[cont.]

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reignty of those Islands, it is desirable that Her Majesty's Government, in order to put an end to the condition of things now existing in the Group, should take steps to carry into effect one or other of those measures" (*Mr. McArthur*) v., 984; Question proposed, "That the words, &c;" after debate, Question put; A. 86, N. 50; M. 36

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(*Mr. McLagan, Mr. Charles Turner, Mr. Agar-Ellis*)

c. Bill withdrawn \* June 26 [Bill 31]

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(*The Marquess of Hartington, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>o</sup> \* June 5 [Bill 181]  
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(*The Viscount Powerscourt*)

1. Presented; read 1<sup>o</sup> June 9 (No. 197)  
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(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

- a. Committee\*; Report May 19 [Bill 149]  
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 1. Read 1<sup>o</sup> (*Earl Cowper*) May 23 (No. 126)  
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(*Sir Edward Colebrooke, Mr. Orr Ewing*)

- c. Ordered; read 1<sup>o</sup> June 23 [Bill 200]

**General Valuation (Ireland) Bill**

(*Mr. Baxter, The Marquess of Hartington*)

- c. Order for Committee read; Moved, "That this House will To-morrow, at Two of the clock, resolve itself into the said Committee" (*Mr. Gladstone*) June 23, 1306  
 Amendt. to leave out "To-morrow, at Two of the clock," and insert "upon Thursday" (*Sir Colman O'Loghlen*) v.; Question put, "That the words 'To-morrow, at Two of the clock,' stand part of the Question;" A. 47, N. 25; M. 22  
 Main Question put, and agreed to  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Baxter*) June 24, 1330  
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Read 3<sup>rd</sup> June 121. Read 1<sup>st</sup> (Lord Ponsonby) June 13 (No. 158)Read 2<sup>nd</sup> June 19

Committee\*; Report June 20

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(Mr. Baxter, Mr. William Henry Gladstone)  
c. Resolution [June 23] reported, and agreed to;  
Bill ordered; read 1<sup>o</sup> \* June 24 [Bill 202]  
Read 2<sup>o</sup> \* July 3  
Committee \*; Report July 4  
Considered \* July 7

**HILL, Mr. A. Staveley, Coventry**  
Juries, Comm. cl. 55, Amendt. 1518  
Nitro Glycerine Act (1869), 53, 58  
Rating (Liability and Value), Comm. cl. 3,  
1013, 1077, 1083; cl. 13, 1234; cl. 15, 1428  
Supreme Court of Judicature, Comm. cl. 6,  
1741; cl. 29, 1884

**HOARE, Sir H. A., Chelsea, &c.**  
Exhibition, 1851, Commissioners of—South  
Kensington, Land at, 1168, 1169, 1170  
Metropolis—Kensington Gardens, 1584  
Rating (Liability and Value), Comm. 738;  
cl. 3, 922, 933, 1005

**HODGSON, Mr. W. N., Cumberland, E.**  
Parliamentary Elections (Expenses), 2R.  
Amendt. 1115  
Railway and Canal Traffic, Lords Amendts.  
Amendt. 482, 1298, 1299, 1302

**HOGG, Colonel J. M., Tyrone**  
Metropolis—Thames Embankment, 503  
Rating (Liability and Value), Comm. cl. 3, 1072

**HOLKER, Mr. J., Preston**  
Supreme Court of Judicature, 2R. 686, 873

**HOLMS, Mr. J., Hackney**  
Post Office—Cape and Zanzibar Mails Con-  
tract, 357; Res. Amendt. \*690, 710;  
Amendt. 1202, 1203, 1211

**HOLT, Mr. J. M., Lancashire, N.E.**  
Monastic and Conventual Institutions, 2R.  
1680

**HOPE, Mr. A. J. Beresford, Cambridge  
University**

Metropolis—New Courts of Justice, 405  
Rating (Liability and Value), Comm. cl. 3,  
933, 1005  
Seduction Laws Amendment, Comm. add. cl.  
1892  
Supreme Court of Judicature, Comm. cl. 18,  
1791

**HOSKYNs, Mr. O. WREN-, Hereford City**  
Landlord and Tenant, 2R. 1648

**HOUGHTON, Lord**  
Order of Merit—Motion for an Address, 1474

**HOWARD, Mr. J., Bedford Bo.**  
Locomotive Act, 1861—Bridges, Inspection of,  
1228

**HUGHES, Mr. T., Frome**  
Army—Military Centres—Oxford, Motion for  
a Committee, 374  
Parliament—Whitsun Recess, Adjournment  
for, 494  
Rating (Liability and Value), Comm. cl. 3,  
1084  
Supreme Court of Judicature, Comm. cl. 5,  
1634; cl. 22, 1799; cl. 24, 1869

**HUNT, Right Hon. G. W., Northamp-  
tonshire, N.**

Blackwater Bridge (Composition of Debt), 2R.  
1605  
Elementary Education (England) Act—The  
National Anthem, 1413  
Post Office—Mail Contracts, 1002;—Cape  
and Zanzibar, 1210; Amendt. 1213, 1215;  
Amendt. 1446  
Rating (Liability and Value), 2R. 290; Comm.  
731; cl. 3, 930, 933, 1008, 1010, 1012, 1014,  
1016, 1018, 1019, 1021, 1027, 1080; cl. 15,  
1429  
Supreme Court of Judicature, Comm. Motion  
for Adjournment, 1577  
Valuation, 2R. 319

**HUNTLEY, Marquess of**  
Church of Scotland—Patronage, Res. 1046  
Railway and Canal Traffic, Report, cl. 26,  
Amendt. 9

# Hypothec Abolition (Scotland) Bill

(*Sir David Wedderburn, Mr. Carter, Mr. Fordyce, Mr. Craufurd*)

c. Moved, "That the Bill be now read 2<sup>o</sup>"  
June 25, 1840

Amend<sup>t</sup>. to leave out "now," and add "upon this day three months" (*Sir Edward Colebrooke*): Question proposed, "That 'now,' &c.," after long debate, Question put; A. 83, N. 147; M. 64

Words added; main Question, as amended, put, and agreed to; Bill put off for three months [Bill 21]

# INCHICUIN, Lord

Peace Preservation (Ireland) Acts Continuance, 2R. 340

Scotch and Irish Peerages; Motion for an Address, 1779

# INDIA

*Banda and Kirwee Prize Money*, Question, Colonel Barttelot; Answer, Mr. Grant Duff May 22, 273; Questions, Lord Cairns; Observations, The Earl of Longford; Reply, Viscount Halifax June 12, 832; Question, The Earl of Derby; Answer, The Duke of Argyll; short debate thereon July 8, 1702

*Deaths by Snake-Bites*, Question, Sir John Hay; Answer, Mr. Grant Duff May 22, 275

*Destruction of Life by Wild Beasts*, Question, Observations, Lord Napier and Ettrick; Reply, The Duke of Argyll June 27, 1485

*Indian Appeals*, Observations, Lord Stanley of Alderley; Reply, The Duke of Argyll June 16, 979

*Indian Budget*, Question, Mr. R. N. Fowler; Answer, Mr. Gladstone June 9, 637

*M. de Lesseps' Project—Central Asian Railway*, Question, Mr. Baillie Cochrane; Answer, Viscount Enfield June 6, 546

*Public Works Department—Officers of the Scientific Corps*, Question, Major Trench; Answer, Mr. Grant Duff May 22, 270; May 23, 884

*The 28th Regiment—The Indian Mutiny Medal*, Question, Sir Patrick O'Brien; Answer, Mr. Grant Duff July 7, 1864

**Indian Railways Registration Bill—See title East India (Railway Shares) Bill**

# Infanticide Law Amendment Bill

(*Mr. Charley, Mr. Gilpin, Mr. Charles Lewis*)

c. Committee \* July 4 [Bill 42]

# Innkeepers Liability Bill

(*Mr. Wheelhouse, Mr. Locke*)

c. 2R. negatived \* June 10 [Bill 49]

# Intestates Widows and Children Bill [H.L.]

c. Committee \*; Report June 30 [Bills 114-214]

# IRELAND

*Acts of Supremacy and Uniformity*, Question, Mr. J. Martin; Answer, Mr. Gladstone June 12, 839

[cons.]

# IRELAND—cont.

*Census of Ireland*, Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington June 5, 514

*Criminal Law—Publicans as Bailsmen*, Question, Mr. W. Johnston; Answer, The Marquess of Hartington May 19, 97

*English Records relating to Ireland*, Question, Mr. Cogan; Answer, Mr. Baxter May 19, 101

*General Valuation of Ireland—The Dublin and Kingstown Railway*, Question, The O'Connor Don; Answer, Mr. Baxter June 30, 1552; Question, Sir Frederick W. Heygate; Answer, Mr. Gladstone, 1559

*Labourers Dwellings (Ireland)*, Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington June 16, 990; Question, Mr. Bruen; Answer, The Marquess of Hartington July 3, 1705

*Licensing Act in Ireland*, Question, Mr. Cogan; Answer, The Marquess of Hartington May 16, 15

*Poor Law Elections (Ireland)—Forged Voting Papers*, Question, Mr. Bruen; Answer, The Marquess of Hartington June 30, 1558

*Prison Discipline*, Question, Mr. Pim; Answer, The Marquess of Hartington May 23, 356

*Railways—Valuation of Lines*, Question, The O'Connor Don; Answer, Mr. Baxter June 24, 1309—*Loans to Railway Companies*, Question, Mr. McClure; Answer, Mr. Gladstone June 30, 1551

*Riot in Dublin*, Question, The Marquess of Clanricarde; Answer, Earl Granville June 9, 617

*Sanitary Statutes (Ireland)*, Question, Mr. Bruen; Answer, The Marquess of Hartington July 7, 1862

*Stipendiary Magistrates*, Question, Lord Claud John Hamilton; Answer, The Marquess of Hartington May 26, 480

*The Letter-Mullen Coastguard*, Question, Observations, Mr. Mitchell Henry; Reply, The Marquess of Hartington June 26, 1419

# Ireland—Crime in Ireland

Moved that there be laid before this House, Police Returns of all Crime in Ireland, showing where perpetrators have not been discovered and where they have been prosecuted and convicted, since the 1st of January 1872: Any remarks of Judges at the last Spring Assizes and of Assistant Barristers at Quarter Sessions since the new Jury Bill came into force as to the competency of Jurors (*The Lord Oranmore and Browne*) May 16, 7; after short debate, Motion withdrawn

# Ireland—National Education Commissioners—The Callan Schools—Dismissal of Rev. Mr. O'Keeffe

Questions, Colonel Stuart Knox, Mr. Spencer Walpole; Answers, The Marquess of Hartington, Mr. Bouverie May 19, 101

*Nomination of the Select Committee*, On Motion of The Marquess of Hartington, Mr. Secretary Cardwell, Mr. Gathorne Hardy, Mr. Whitbread, Mr. Bourke, and The O'Connor Don nominated Members of the said Committee May 22, 319

**Ireland—National Education Commissioners—**  
cont.

Moved, "That Dr. Lyon Playfair be one other Member of the said Committee" (*Mr. Vernon Harcourt*); after short debate, Question put; A. 200, N. 182; M. 18

Moved, "That Mr. Cross be one other Member of the said Committee" (*Mr. Vernon Harcourt*); Question put; A. 205, N. 185; M. 40

Moved, "That the Select Committee have power to send for persons, papers, and records;"

Moved, "That the Debate be now adjourned" (*Sir Patrick O'Brien*); after further short debate, Motion withdrawn; original Question put, and agreed to

Question, Mr. Bouverie; Answer, Mr. Gladstone July 3, 1711

**Ireland—The Irish Civil Servants**

Amend. on Committee of Supply July 4, To leave out from "That," and add "the Civil Service (in Ireland) Commissioners' having reported that the dissatisfaction on the ground of the general inadequacy of the present scale of salaries, having regard to the great increase which has taken place in latter years in the cost of living, is well founded, and that there is no reason, based on local considerations, for giving salaries to Civil Servants stationed in Dublin less in amount than those assigned to persons in London performing analogous duties," this House is of opinion that such general inadequacy of the present scale of salaries of the Civil Servants serving in Ireland should as soon as possible be redressed, and that they should be placed upon an equality as to remuneration with those performing duties in England corresponding in difficulty and responsibility" (*Mr. Plunket* v., 1805; Question proposed, "That the words, &c.," after debate, Question put; A. 117, N. 130; M. 13; words added; main Question, as amended, put, and agreed to

Division List, Ayes and Noes, 1829

**Irish Church Act (1869)—Clause 32**

Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington June 5, 514

**Irish Juries Lists—Remuneration of Clerks of Unions**

Question, Mr. G. Browne; Answer, The Marquess of Hartington June 19, 1154

**JAMES, MR. H., Taunton**

Board of Education (Ireland)—O'Keeffe, Rev. Mr., Nomination of Committee, 327

Juries, Comm. cl. 5, 524, 526; cl. 29, 531; cl. 43, 533; cl. 52, 1517

Masters and Servants—Law of Contract, Res. 607

Parliamentary Elections Expenses, 2R. 1129

Register for Parliamentary and Municipal Electors, Comm. cl. 32, Amendt. 419

Supreme Court of Judicature, 2R. 873; Comm. cl. 5, 1602; cl. 6, 1744, 1745, 1746; cl. 22, 1800; cl. 29, 1879, 1888; cl. 31, 1885, 1886, 1889

**JENKINSON, Sir G. S., Walsley, N.**

Criminal Law—Chipping Norton Magistrates, 1784, 1786

India, Railway Communication with, 836, 837

Rating (Liability and Value), 2R. 316; Comm. cl. 3, Amendt. 912, 923, 926, 1015, 1020, 1029; cl. 13, Amendt. 1238

Supply—Alabama Claims, 411

Turnpike Acts Continuance, &c. Comm. 1757

**JESSEL, Sir G., see SOLICITOR GENERAL, The**

**JOHNSTON, Mr. A., Essex, S.**

Bomb—Moslem Fanaticism, Alleged Outbreak of, 1786

Supply—Education, England and Wales, 1459

Weights and Measures Acts, Res. 1090

**JOHNSTON, Mr. W., Belfast**

Licensing (Ireland)—Bailmen, 97

**JOHNSTONE, Sir H., Scarborough**

Rating (Liability and Value), Comm. cl. 18, 1427

**Judicial Peerages**

Moved, "That an humble Address be presented to Her Majesty, praying that for the advantage of this House and of the suitors thereto, and for the honour of the legal profession, Her Majesty will be pleased to sanction the erection of the offices of Lord High Chancellor, Lord Chief Justice of the Queen's Bench, Lord Chief Justice of the Common Pleas, and Lord Chief Baron of the Exchequer of England into Baronies which shall entitle the holders of those offices to writs of summons to Parliament by tenure thereof under such titles as Her Majesty shall in each case be pleased to summon them; and that such writs of summons as aforesaid shall make the persons receiving the same, although they may not continue to hold the said offices, Peers of Parliament for life, without remainder to the heirs of their bodies; and that in the event of Her Majesty being pleased at any time after such writ shall have been issued to create the person sitting under the same a baron by patent under the same title, with remainder to the heirs male of his body, the barony so created may, if Her Majesty shall be so pleased, take precedence from the date of the first writ of summons directed to such person" (*The Lord Redesdale*) July 4, 1758; Previous Question moved (*The Lord Cairns*); after debate, a Question being stated thereupon, the Previous Question was put, "Whether the said Question shall be now put?" resolved in the negative

**Juries Bill**

(*Mr. Attorney General, Mr. Solicitor General*)

a Committee—*s.p.* June 5, 515

Committee—*s.p.* June 27, 1505

[Bill 36]

**JURIES (Ireland) Bill** (*The Marquess of Hattington, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>o</sup> May 16 [Bill 166]  
 Bill read 2<sup>o</sup> May 26, 1883  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" May 27;  
 Debate adjourned  
 Committee: Report June 5  
 Considered June 6  
 Read 3<sup>o</sup> June 9  
 l. Read 1<sup>o</sup> (*M. of Lansdowne*) June 10 (No. 150)  
 Read 2<sup>o</sup>; Committee negatived June 12  
 Read 3<sup>o</sup> June 13, 906  
 Royal Assent June 16 [36 Vict. c. 27]

**KAVANAGH, Mr. A. M.** *Carlton Co.*  
 General Valuation (Ireland), Comm. Amendt.

**KENNAWAY, Sir J. H., Devonshire, E.**  
 Elementary Education Act—London School Rate, 169

**KILDARE, Marquess of**  
 Government of Ireland, 1R. 653

**KIMBERLEY, Earl of** (Secretary of State for the Colonies)

Africa—West Coast Settlements—Ashantee Invasion, 164, 167  
 Agricultural Children, 2R. 778; Comm. c. 4, 1153  
 Army—Military Depot at Oxford, Address for Correspondence, 1494  
 Australian Colonies (Customs Duties), Comm. c. 2, 156  
 Children's Employment in Dangerous Performances, 2R. 1248  
 Colonial Church, 2R. 499  
 Government of Ireland, 1R. 627; 2R. 1532, 1533  
 South Sea Islanders, 428, 1697

**KINGSFOTE, Colonel R. N. F., Gloucestershire, W.**

Army—Cavalry Force, Res. 564

**KINNAIRD, Hon. A. F., Perth**  
 Fiji, Protectorate of, Res. 957, 958  
 Navy Estimates—Admiralty Office, 107

**KINTORE, Earl of**  
 Book of Cashel, 424

**KNATCHBULL-HUGHESSEN, Right Hon. E. H.** (Under Secretary of State for the Colonies), *Sandwich*

Canada Loan Guarantee, 2R. 1813  
 China—Chinese Coolie Trade, 724  
 Mauritius—Bishop, Appointment of, 432  
 Ecclesiastical Establishments, 999  
 Inspectors-General of Police, 99  
 Rating (Liability and Value), Comm. c. 3, 1013

**KNIGHTLEY, Sir R., Northamptonshire, S.**  
 Landlord and Tenant, 2R. 1647  
 Rating (Liability and Value), Comm. 738

**KNOX, Hon. Colonel W. Stuart, Duncannon**

Army—Militia, Subalterns of, 1170  
 Recruits—Inaccurate Returns, 1415  
 Army Estimates—Provisions, Forage, &c. 1262  
 Board of Education (Ireland)—O'Keeffe, Rev. Mr., 101  
 Borough Franchise (Ireland), 2R. Amendt. 268  
 Geneva Arbitration—Presentation to the Arbitrators, 501  
 Navy Estimates—Admiralty Office, 105  
 Parliament—Forms and Usages of the House, 276  
 Public Business, 1250, 1860  
 Rating (Liability and Value), Comm. c. 3, Motion for reporting Progress, 927

**Labourers Cottages (Scotland) Bill**

(*Mr. Fordyce, Mr. McComb, Mr. Barclay, Sir George Balfour, Mr. Parker*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" June 18, 1135 [Bill 83]  
 Amendt. to leave out "now," and add "upon this day three months" (*Sir James Elphinstone*): Question proposed, "That 'now,' &c.," after debate, Debate adjourned

**LAING, Mr. S., Orkney, &c.**

Railway and Canal Traffic, Lords Amendts. 1303

**LAIRD, Mr. J., Birkenhead**

Navy Estimates—Naval Stores, 447

**Landed Estates Court (Ireland) (Judges) Bill**

(*The Marquess of Hattington, Mr. Baxter*)

c. Ordered; read 1<sup>o</sup> June 5 [Bill 182]

**Landlord and Tenant Bill**

(*Mr. James Howard, Mr. Clare Read*)

c. After short debate, Order for 2R. discharged; Bill withdrawn July 2, 1844 [Bill 56]

**Landlord and Tenant (Ireland) Act (1870) Amendment Bill**

(*Mr. Haron, Mr. John Bright, Mr. Pim*)

c. Ordered; read 1<sup>o</sup> May 19 [Bill 167]

**Land Titles and Transfer Bill [H.L.]**

(*The Lord Chancellor*)

l. Bill read 2<sup>o</sup>, after short debate May 23, 341 (No. 85)

**LANSDOWNE, Marquess of** (Under Secretary of State for the War Department)

- Army—Questions, &c.
- Candidates for Commissions, 1818, 1219
- Education of Officers, 1835, 1838
- Half-Pay Officers, 1241
- Militia Reserve—Annual Bounty, 986, 987
- Recruiting, 1815, 1818, 1819
- Army—Control Department, Motion for Papers, 1221, 1223
- Army—Medical Officers Service in Africa, Motion for an Address, 830
- Army—Military Depot at Oxford, Address for Correspondence, 1491, 1494
- Army—Militia Reserve—Annual Bounty, Motion for an Address, 1845
- Army—Purchase, Abolition of, Motion for Papers, 1225, 1226
- Ireland—Crime in, Motion for Returns, 7
- Juries (Ireland), 3R. 906
- Local Government Board (Ireland), 2R. 907
- Marriages (Ireland) Legalization, 2R. 1680
- Peace Preservation (Ireland) Acts Continuance, 2R. 331, 341
- Royal Military Academy, Woolwich—Examinations, 1840
- Shah of Persia—Review at Windsor, 1151

**LAUDERDALE, Earl of**

- Africa—West Coast Settlements—Ashantee Invasion, 164, 167
- Navy—H.M.S. "Devastation," 427
- North America—Alaska Boundary—San Juan Water Boundary, 1157
- Pollution of Rivers, 2R. 5

**Law Agents (Scotland) Bill**

- (The Lord Advocate, Mr. Adam)
- c. Committee—R.P. June 5, 541 [Bill 150]
- Committee; Report June 6, 610 [Bill 184]
- Considered June 16
- Read 3<sup>rd</sup> June 17
- l. Read 1<sup>st</sup> (Lord Chancellor) June 18 (No. 163)
- Bill read 2<sup>nd</sup>, after short debate July 4, 1780

**Law and Justice**

- Commission of the Peace—Clerical Magistrates, Question, Mr. McCarthy Downing; Answer, Mr. Gladstone June 6, 550
- Court of Probate—District Registry Clerks, Questions, Viscount Mahon; Answers, The Chancellor of the Exchequer July 3, 1708
- Juries (Wales), Question, Mr. O. Stanley; Answer, Mr. Bruce May 22, 271
- Law of Conspiracy, Question, Mr. Vernon Harcourt; Answer, Mr. Gladstone June 10, 723
- Law of Homicide—Legislation, Question, Mr. Charley; Answer, Mr. Bruce June 30, 1230
- Stipendiary Magistrates—Salford and Manchester, Question, Mr. Cawley; Answer, Mr. Baxter June 16, 997
- The Magistracy, Motion for an Address (Mr. Auberon Herbert) June 24, 1839
- The Marriage Laws, Question Observations, Lord Chelmsford; Reply, The Lord Chancellor July 3, 1698

**LAWRENCE, Lord**

- India—Destruction of Life by Wild Beasts, 1488

**LAWRENCE, Mr. Alderman W., London**

- Juries, Comm. cl. 5, Amendt. 524, 525, 526; cl. 29, Amendt. 530, 531; cl. 41, Amendt. 532; cl. 43, Amendt. 533; cl. 52, 1512
- Metropolis—New Courts of Justice, 408

**LAWSON, Sir W., Carlisle**

- Landlord and Tenant, 2R. 1645, 1650
- Licensing Act Amendment (Ireland), 1415
- Shah of Persia, Visit of, 638

**LEA, Mr. T., Kidderminster**

- Railway Accidents, Res. Amendt. 191

**LEARMONTH, Colonel A., Colchester**

- Army—Rifle Range, Colchester, 838

**LEEMAN, Mr. G., York**

- Hypothec Abolition (Scotland), 2R. 1366
- Juries, Comm. cl. 5, 518, 519, 521, 527, 528; cl. 41, 532
- Rating (Liability and Value), Comm. add. cl. 1438

**LEFEVRE, Mr. J. G. Shaw (Secretary to the Board of Admiralty), Reading**

- Channel Islands—Platte Bone Rock, 1229
- Navy—Admiralty Contracts, 839
- Navy Estimates—Admiralty Office, 104, 105, 117
- Naval Stores, 437, 440, 445
- New Works, &c. 451, 452

**LEIGH, Lieut. Colonel Egerton, Cheshire**

- Mid.
- Army—Autumn Manœuvres—Horse Blankets, 1552
- Army—Cavalry Force, Res. 565
- Contagious Diseases Acts Repeal, 2R. 254
- Rating (Liability and Value), Comm. cl. 3, 933, 1012

**LEITH, Mr. J. F., Aberdeen**

- Law Agents (Scotland), Comm. cl. 7, 612

**LEITCH, Earl of**

- Peace Preservation (Ireland) Acts Continuance, 2R. 339

**LENNOX, Lord H. G. C. G., Chichester**

- Navy Estimates—Admiralty Office, 107
- Dockyards, &c. 137; Amendt. 143, 149
- Miscellaneous Services, 453
- Naval Stores, 440, 442
- Scientific Department, 130
- Steam Machinery, &c. 447

**LEWIS, Mr. C. E., Londonderry**

- General Valuation (Ireland), Comm. 1833
- Parliamentary and Municipal Electors, 14
- Peace Preservation (Ireland), Comm. cl. 2, 67
- Supreme Court of Judicature, Comm. cl. 5, 1591; cl. 24, 1803, 1804; cl. 28, Amendt. 1876

LEWIS, Mr. J. D., *Devonport*  
\*Contagious Diseases Acts Repeal, 2R. 239

*Licensing Act Amendment (Ireland) Bill*  
Question, Sir Wilfrid Lawson: Answer, The  
Marquess of Hartington; Observations, Mr.  
Vernon Harcourt June 26, 1415

LIDDELL, Hon. H. G., *Northumberland, S.*  
Metropolis—Street Traffic Regulations, 994  
Navy (Promotion and Retirement), Motion for  
a Committee, 797  
Peace Preservation (Ireland), Comm. cl. 2,  
Proviso, 69  
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1022, 1025, 1075, 1077, 1078, 1083; cl. 17,  
1430; *add. cl. Amendt.* 1434, 1437; Pre-  
amble, 1445

LIFFORD, Viscount  
Government of Ireland, 2R. 1546

LIMERIC, Earl of  
Rock of Cashel, 2R. 428

LINDSAY, Hon. Colonel C. H., *Abingdon*  
Army—Volunteer Adjutants, 910

LISGAR, Lord  
Australian Colonies (Customs Duties), Comm.  
cl. 2, 155

LILANDAFF, Bishop of  
Public Worship Facilities, 2R. 1395

Local Government Board (Ireland) Pro-  
visional Order Confirmation Bill  
(*The Marquess of Lansdowne*)

l. Read 2<sup>o</sup> \* May 23 (No. 115)  
Committee\*; Report May 26  
Read 3<sup>o</sup> \* May 27  
Royal Assent June 16 [36 Vict. c. 61]

Local Government Board (Ireland) Pro-  
visional Order Confirmation (No. 2)  
Bill [H.L.] (*The Earl of Bessborough*)

l. Presented; read 1<sup>o</sup> \* May 27 (No. 134)  
Read 2<sup>o</sup> \* June 20  
Committee\* June 26  
Report\* June 30 (No. 177)  
Read 3<sup>o</sup> \* July 1  
c. Read 1<sup>o</sup> \* (*Marquess of Hartington*) July 7  
[Bill 229]

Local Government Provisional Orders  
(No. 2) Bill

(*Mr. Hibbert, Mr. Stansfeld*)  
c. Read 2<sup>o</sup> \* May 19 [Bill 163]  
Committee\*; Report June 5  
Read 3<sup>o</sup> \* June 6  
l. Read 1<sup>o</sup> \* (*Earl of Morley*) June 9 (No. 142)  
Read 2<sup>o</sup> \* June 17  
Committee\*; Report June 19  
Read 3<sup>o</sup> \* June 20  
Royal Assent July 7 [36 & 37 Vict. c. 82]

Local Government Provisional Orders  
(No. 3) Bill

(*Mr. Hibbert, Mr. Stansfeld*)  
c. Ordered; read 1<sup>o</sup> \* May 21 [Bill 169]  
Read 2<sup>o</sup> \* May 26  
Committee\*; Report June 5  
Read 3<sup>o</sup> \* June 6  
l. Read 1<sup>o</sup> \* (*Earl of Morley*) June 9 (No. 143)  
Read 2<sup>o</sup> \* June 17  
Committee\*; Report June 19  
Read 3<sup>o</sup> \* June 20  
Royal Assent July 7 [36 & 37 Vict. c. 82]

Local Government Provisional Orders  
(No. 4) Bill

(*Mr. Hibbert, Mr. Stansfeld*)  
c. Ordered; read 1<sup>o</sup> \* May 23 [Bill 174]  
Read 2<sup>o</sup> \* June 5  
Bill withdrawn\* June 11

Local Government Provisional Orders  
(No. 4) Bill [H.L.]

(*The Earl of Morley*)  
l. Presented; read 1<sup>o</sup> \* June 9 (No. 135)  
Read 2<sup>o</sup> \* June 17  
Committee\*; Report June 19  
Read 3<sup>o</sup> \* June 20  
c. Read 1<sup>o</sup> \* (*Mr. Hibbert*) June 27 [Bill 211]

Local Government Provisional Orders  
(No. 5) Bill [H.L.]

(*The Marquess of Lansdowne*)  
l. Presented; read 1<sup>o</sup> \* June 12 (No. 154)  
Read 2<sup>o</sup> \* June 20  
Committee\*; Report June 23  
Read 3<sup>o</sup> \* June 26  
c. Read 1<sup>o</sup> \* (*Mr. Hibbert*) June 27 [Bill 212]

Local Government Provisional Orders  
(No. 6) Bill [H.L.]

(*The Marquess of Lansdowne*)  
l. Presented; read 1<sup>o</sup> \* June 13 (No. 157)  
Read 2<sup>o</sup> \* June 20

LOCKE, Mr. J., *Southwark*  
Supreme Court of Judicature, Comm. cl. 24,  
1805

*Locomotive Act, 1861 — Inspection of  
Bridges*

Question, Mr. Howard; Answer, Mr. Bruce  
June 20, 1228

LONGFORD, Earl of  
Government of Ireland, 2R. 1532  
India—Banda and Kirwee Prize Money, 833  
Peace Preservation (Ireland) Acts Amendment,  
2R. 333

LOPES, Sir Massey, *Devonshire, S.*  
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 16. Bill read 2<sup>d</sup>, after short debate June 80; 1559  
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**Marriages Legalization, St. John's Chapel,  
 Eton, Bill [H.L.]**  
*(The Lord Bishop of Oxford)*

1. Read 2<sup>d</sup> May 19 (No. 99)  
 Committee \*; Report May 20  
 Read 3<sup>d</sup> May 23  
 c. Read 1<sup>o</sup> May 27 [Bill 179]  
 Read 2<sup>o</sup> June 5  
 Committee \*; Report June 6  
 Read 3<sup>o</sup> June 6  
 Royal Assent June 16. [38 Vict. c. 28]

**Married Woman's Property Act (1870)  
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*(Mr. Enoch Palmer, Mr. Amphlett, Mr. Osborne  
 Morgan, Mr. Jacob Bright)*  
 c. Committee \*; Report June 26 [Bill 7]

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**MARTIN, Mr. P. Wykeham, Rochester**  
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 Mr. Bruce June 12, 840—Law of Contract,  
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**Matrimonial Causes Acts Amendment Bill**  
*(The Lord Chancellor)*

1. Read 2<sup>d</sup> June 9 (No. 105)  
 Committee \*; Report June 10  
 Read 3<sup>d</sup> June 12  
 Royal Assent June 16 [36 Vict. c. 81]

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 c. Ordered; read 1<sup>o</sup> July 7 [Bill 224]

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**Merchant Shipping Act Amendment—Legisla-  
 tion—Deck Loads, Question, Mr. Alderman  
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*Hyde Park—The Regulations*, Question, Mr. Collins; Answer, Mr. Bruce June 9, 640  
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**Metropolis Water Act (1871)**

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*The Thames Embankment*, Question, Mr. J. G. Talbot; Answer, Colonel Hogg May 27, 502

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(*The Earl of Morley*)

1. Read 2<sup>o</sup> \* May 23 (No. 110)  
 Committee \*; Report June 23  
 Read 3<sup>o</sup> \* June 26  
 Royal Assent July 7 [36 & 37 Vict. c. 86]

**Metropolitan Tramways Provisional Orders Bill**

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)  
 c. Report \* May 22 [Bills 76-172]  
 Re-comm. \*; Report May 26  
 Read 3<sup>o</sup> \* May 27  
 1. Read 1<sup>o</sup> \* (*Earl Couper*) June 9 (No. 139)  
 Read 2<sup>o</sup> \* June 17

**Metropolitan Tramways Provisional Orders (No. 2) Bill** (*Earl Couper*)

1. Read 2<sup>o</sup> \* May 26 (No. 114)  
 Committee \* May 27  
 Report \* June 9  
 Read 3<sup>o</sup> \* June 16  
 Royal Assent July 7 [36 & 37 Vict. c. 85]

**MIALL, Mr. E., Bradford**

\*Disestablishment of the Churches of England and Scotland, Res. 16  
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**MIDDLETON, Viscount**

Rock of Cashel, 2R. Amendt. 421

**Military Manœuvres Bill**

(*Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell-Bannerman*)

c. Ordered; read 1<sup>o</sup> \* June 30 [Bill 216]  
 Read 2<sup>o</sup> \* July 7

**Militia (Service, &c.) Bill**

(*Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell-Bannerman*)

c. Ordered; read 1<sup>o</sup> \* June 30 [Bill 216]  
 Read 2<sup>o</sup> \* July 3  
 Committee \*; Report July 7

**MILLER, Mr. J., Edinburgh City**

Church of Scotland (Patronage), Res. 1108  
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**Minors Protection Bill**

(*Mr. Mitchell Henry, Mr. Headlam, Mr. Butt, Mr. Scourfield, Mr. Charles Gilpin*)

c. 2R., debate adjourned June 25, 1874 [Bill 689]  
 Bill withdrawn \* July 7

**Monastic and Conventual Institutions Bill** (*Mr. Newdegate, Mr. Holt, Sir Thomas Chambers*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" July 2, 1856  
 Amendt. to leave out "now," and add "upon this day three months" (*Mr. Pease*); Question proposed, "That 'now,' &c.;" after debate, Question put; A. 96, N. 184; M. 35  
 Words added; main Question, as amended, put, and agreed to; Bill put off for three months [Bill 62]  
 Personal Explanation, Mr. Whalley July 4, 1783

**MONCK, Viscount**

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**MONCKTON, Mr. F., Staffordshire, W.**

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**MONK, Mr. C. J., Gloucester City**

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**MONSELL, Right Hon. W. (Postmaster General), Limerick Co.**

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**MORGAN, Mr. G. Osborne, Denbighshire.**  
 Juries, Comm. *cl.* 5, Amendt. 528; *cl.* 45, 538  
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**MORRISON, Mr. W., Plymouth**  
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**Municipal Corporation (Borough Funds)**  
 Bill  
 (Mr. Secretary Bruce, Mr. Winterbotham)  
*c.* Ordered; read 1<sup>o</sup> June 9 [Bill 186]

**Municipal Corporations Evidence Bill**  
 (Mr. Hinde Palmer, Mr. Watkin Williams)  
*c.* Committee\*; Report May 21, [Bill 155]  
 Read 3<sup>o</sup> May 23  
*l.* Read 1<sup>o</sup> (Lord Romilly) May 26 (No. 129)  
 Read 2<sup>o</sup> June 13  
 Committee\*; Report June 16  
 Read 3<sup>o</sup> June 17  
 Royal Assent July 7 [36 & 37 Vict. c. 93]

**Municipal Elections (Cumulative Vote)**  
 Bill (Mr. Collins, Mr. Morrison)  
*c.* Motion for Leave (Mr. Collins) June 26, 1465;  
 Bill ordered; read 1<sup>o</sup> [Bill 206]

**MUNSTER, Mr. W. F., Mallow**  
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*cl.* 3, 1007, 1021, 1023, 1073, 1074, 1077;  
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**National Debt Commissioners (Annuities)**  
 Bill

(Mr. Foster, Mr. Chancellor of the Exchequer)  
*c.* Ordered; read 1<sup>o</sup> June 23 [Bill 201]  
 Read 2<sup>o</sup> June 30  
 Committee\*; Report July 1  
 Read 3<sup>o</sup> July 2  
*l.* Read 1<sup>o</sup> (Marquess of Lansdowne) July 3  
 (No. 191)

**National Gallery—Flooring of the New**  
 Buildings  
 Question, Mr. Bowring; Answer, Mr. Ayrton  
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**NAVY**  
*Admiralty Contracts*, Question, Mr. Miller;  
 Answer, Mr. Shaw Lefevre June 12, 838  
*Captains of the Royal Marine Artillery*, Question,  
 Mr. H. Samuelson; Answer, Mr.  
 Goschen June 30, 1555  
*Correspondence between Mr. Trotman and the*  
*Admiralty*, Question, Mr. G. Bentinck;  
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*H.M.S. "Devastation,"* Question, Observations,  
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 of Camperdown May 26, 437  
*Shipping Agents—The "Rowena,"* Question,  
 Sir John Hay; Answer, Mr. Goschen  
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**Navy (Promotion and Retirement)**  
 Moved, "That a Select Committee be appointed  
 to consider the present system of Promotion  
 and Retirement in the Royal Navy, and to  
 report their opinion thereon to this House"  
 (Sir John Hay) June 10, 751  
 Amendt. to leave out from "consider," and  
 add "how far Naval Officers on half-pay  
 can be more generally employed in the Con-  
 sular Service, and in the numerous appoint-  
 ments under the Marine Department of the  
 Board of Trade" (Mr. Thomas Brassey) *v.*,  
 782; Question proposed, "That the words,

[cont.]

*Navy—Promotion and Retirement—cont.*

des.;" after long debate, Question put; A. 64, N. 81; M. 17; words added; main Question, as amended, put, and agreed to Ordered, That a Select Committee be appointed to consider how far Naval Officers on half-pay can be more generally employed in the Consular Service, and in the numerous appointments under the Marine Department of the Board of Trade

**NELSON, Earl**

Agricultural Children, 2R. 720

**NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid**

Parliamentary Elections (Expenses), 2R. 1128

**NEWDEGATE, Mr. O. N., Warwickshire, W.**

Board of Education (Ireland)—O'Keefe, Rev.

Mr., Nomination of Committee, 324

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Question, Mr. Macfie; Answer, The Chancellor of the Exchequer May 22, 373

*Nitro-Glycerine Act (1869)*

Observations, Mr. Staveley Hill; Reply, Mr. Bruce; short debate thereon May 18, 53

**NORTH, Lieut-Colonel J. S., Oxfordshire**

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*North America—Alaska Boundary—San Juan Water Boundary*

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**NORTHCOTE, Right Hon. Sir S. H., Devonshire, N.**

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Post Office—Mail Contracts, Res. 709;—Cape and Zanzibar, 1449

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**NORWOOD, Mr. C. M., Kingston-upon-Hull**

Supreme Court of Judicature, 2R. 863

*Noxious Businesses—17 & 8 Vict. c. 84*

Select Committee appointed, "to consider the operation of Clauses 55 and 56 of Act 7 and 8 Vict. c. 84, and the best means of making provision concerning the offensive or noxious businesses therein specified;" Committee nominated; List of the Committee May 19, 151

**O'BRIEN, Sir P., King's Co.**

Army Estimates—Administration of the Army, 1289, 1295

Board of Education (Ireland)—O'Keefe, Rev.

Mr., Nomination of Committee; Motion for Adjournment, 330

General Valuation (Ireland), Comm. 1337

Indian Mutiny Medal—29th Regiment, 1864

Shah of Persia, Visit of—Windsor Park Review, 998

**O'CONNOR DON, The, Roscommon Co.**

General Valuation (Ireland), Comm. 1334

Ireland (Railways), 1309;—Dublin and Kingstown Railway, 1552

Peace Preservation (Ireland), Comm. cl. 2, 85; Proviso, 73

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**O'CONNOR, Mr. D. M., Sligo Co.**

Peace Preservation (Ireland), Comm. cl. 2, 67

**O'HAGAN, Lord (Lord Chancellor of Ireland)**

Government of Ireland, 2R. 1538, 1569

**O'LOGHLEN, Right Hon. Sir C. M., Clare Co.**

General Valuation (Ireland), Comm. Amendt, 1307

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Supply—Commissioners of National Education in Ireland, 1504

**ORANMORE AND BROWNE, Lord**

Government of Ireland, 1R. 680

Ireland, Crime in, Motion for Returns, 7, 8

Peace Preservation (Ireland) Acts Continuance, 2R. 333

Shah of Persia, Visit of—Reviews, 989, 1151

*Order of Merit*

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty would be pleased to take into her gracious consideration the institution of an Order of Merit by which Her Majesty would be enabled to bestow a sign of her royal approbation upon men who have deserved well of their country in science, literature, and art" (The Earl Stanhope) June 27, 1466; after short debate, on Question? resolved in the negative

**Ordinance Servey—Bathurstshire**  
Question, Mr. Brogren; Answer, Mr. Ayrtton  
July 3, 1708

**O'REILLY, Mr. M. W., Longford Co.**  
Army Estimates—Administration of the Army,  
1294  
Control Establishments, Wages, &c. 1855  
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Ireland—Civil Servants, Res. 1819

**OSBORNE, Mr. R. Bernal, Waterford City**  
Army—Artillery—Cast Iron Guns, Conversion of, 1866  
Masters and Servants—Law of Contract, Res. 1888  
Post Office—Mail Contracts—Osprey and Zanibar, 1422

**OTWAY, Mr. A. J., Chatham**  
Civil Service Writers, Case of the, 842, 843, 1062; Motion for a Select Committee, 1108  
Ireland—Civil Servants, Res. 1818, 1825  
Navy Estimates—Admiralty Office, 1175

**OXFORD, Bishop of**  
Army—Military Depot at Oxford, Address for Correspondence, 1494

**Oyster and Mussel Fisheries Order Confirmation Bill (The Earl of Morley)**  
1. Read 2<sup>o</sup> May 19  
Committee May 20  
Report May 23  
Read 3<sup>o</sup> May 26  
Royal Assent June 16 [36 Vict. c. 62]

**PAGET, Major R. H., Somersetshire, Mtd.**  
Rating (Liability and Value), Comm. cl. 3, 931, 1072, 1076

**PAKINGTON, Right Hon. Sir J. S., Droevicock**  
Army—Recruits—Inaccurate Returns, 1413  
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**PALK, Sir L., Devonshire, E.**  
Army—Cavalry Regiments, Honorary Colonels of, 1168, 1623, 1709

**PALMER, Mr. J. Hinde, Lincoln City**  
Juries, Comm. cl. 5, Amendt. 518, 517  
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**PARKER, Mr. C. S., Perthshire**  
Hypothec Abolition (Scotland), 2R. 1370

**Parliament**  
**ORDS**  
**Private Bills**  
So much of the Standing Order of the 15th day of March 1869 which requires "that the Examiner shall give at least two clear days notice of the day on which any Bill shall be examined," and also section 3, of Standing Order No. 178, considered, and dispensed with for the remainder of the Session, June 12.

**COMMONS—**  
**Business of the House**  
Question, Colonel Barttelot; Answer, Mr. Gladstone May 22, 319  
Moved, "That this House do adjourn this day at the close of the Morning Sitting" (Mr. Gladstone) June 20, 1280; after short debate, Motion agreed to  
**Education—Act Amendment Bill**, Question, Mr. Dixon; Answer, Mr. Gladstone June 19, 1172  
**Order of Business—Factory Acts Amendment Bill**, Questions, Mr. Mundella, Mr. D. Dalrymple; Answers, Mr. Gladstone June 12, 841; Observations, Colonel Taylor, Mr. Bagwell, Mr. Munster; Reply, Mr. Gladstone June 24, 1311

**Committee of the House—Divisions**, Question, Mr. Hermon; Answer, Mr. Gladstone June 10, 724  
**Forms and Usages of the House—Printing of Bills**, Question, Colonel Stuart Knox; Answer, Mr. Speaker May 22, 276  
**Privilege—Public Petitions Committee—Informal Petitions**, Question, Colonel North; Answer, Mr. Gladstone July 3, 1707

**Public Business**  
Observations, Mr. Cavendish Bentinck; Reply, Mr. Gladstone June 27, 1498  
**General Valuation (Ireland) Bill**, Observations, Mr. Vance, Colonel Stuart Knox; Reply, Mr. Gladstone June 23, 1250  
**Scotch Bills**, Questions, Sir Edward Colebrooke, Mr. Cameron, Dr. Lyon Playfair; Answers, The Lord Advocate, Mr. W. E. Forster May 28, 434  
**Bills withdrawn**, Question, Mr. Anderson; Answer, Mr. Gladstone; short debate thereon July 7, 1858  
**Whitsun Recess**, after short debate, House adjourned from Tuesday, May 27, till Thursday the 5th day of June next, 494

**Parliament—Ascension Day**  
Moved, "That Committees shall not sit on Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House" (Mr. Gladstone) May 20, 171; after short debate, Question put; A. 181, N. 80; M. 101

**Parliament—Morning Sittings**

Moved, "That, whenever the House shall meet at Two o'clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April, 1860" (*Mr. Gladstone*) May 26, 435; after short debate, Motion agreed to

**Parliamentary Representation—The Vacant Seats**

Question, *Mr. Baikes*; Answer, *Mr. Gladstone* May 19, 168

**PARLIAMENT—HOUSE OF LORDS****Sat First**

May 20—The Earl of Zetland, after the death of his Uncle

The Lord Stewart of Garlies (Earl of Galloway), after the death of his Father

June 12—The Lord Brancepeth (Viscount Boyne), after the death of his Father

**HOUSE OF COMMONS****New Writs Issued**

May 21—For Richmond, v. Lawrence Dundas, esquire, now Earl of Zetland

June 9—For Devon (Southern Division), v. Samuel Trehawe Kekewich, esquire, deceased

June 11—For Roscommon, v. Colonel the Right Hon. Fitzstephen French, deceased

June 16—For Berwick, v. David Robertson, esquire, called up to the House of Peers by the title of Baron Marjoribanks of Ladykirk in the County of Berwick. (*Mem.*—Lord Marjoribanks died on the 19th of June without having taken his seat)

June 19—For Bath, v. Hon. George Henry Cadogan, now Earl Cadogan, called up to the House of Peers

June 25—For Waterford County, v. Edmond De la Poer, esquire, Chiltern Hundreds

**New Members Sworn**

June 5—John Charles Dundas, esquire, Richmond

June 17—John Carpenter Garnier, esquire, Devon County (Southern Division)

June 24—Hon. Charles French, Roscommon

June 30—William Miller, esquire, Berwickshire

Viscount Grey de Wilton, Bath

July 7—Hon. Henry Windsor Villiers Stuart, Waterford County

**Parliamentary and Municipal Electors Bill**

Question, *Mr. C. E. Lewis*; Answer, The Attorney General May 16, 14

**Parliamentary Elections (Expenses) Bill**  
(*Mr. Fawcett, Mr. Baines, Mr. McLaren*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" June 18, 1110

[cont.]

**Parliamentary Elections (Expenses) Bill—cont.**

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Nicholson Hodgson*); after debate, Question put; "That 'now,' &c.;" A. 91, N. 305; M. 114

Words added; main Question, as amended, put, and agreed to; Bill put off for three months [Bill 32]

**Patentees, Rights of—Government Manufactures**

Question, Lord Clead John Hamilton; Answer, *Mr. Cardwell* June 6, 552

**PATERN, Right Hon. Colonel J. W., Lancashire, N.**

General Valuation (Ireland), Comm. 1338

Navy Estimates—Dockyards, &c. 149

Rating (Liability and Value), Comm. cl. 3, 927

**Peace Preservation (Ireland) Bill**

(*The Marquess of Hartington, Mr. Secretary Bruce*)

c. Order for Committee read; Moved, "That *Mr. Speaker* do now leave the Chair" May 16, 59

Amendt. to leave out *frank*; "That, *frank* add 'the Bill be committed to a Select Committee'" (*Mr. Pim*), v.; after short debate, Question, "That the words, &c.," put, and agreed to; main Question, "That *Mr. Speaker*, &c.," put, and agreed to; Committee; Report [Bill 145]

Read 2<sup>o</sup> May 19

l. Read 1<sup>o</sup> (The Marquess of Lansdowne) May 20 (No. 123)

Bill read 2<sup>o</sup>, after short debate; Committee negatived; Standing Orders Nos. 37 and 38 considered (according to Order), and dispensed with; Bill read 3<sup>o</sup> May 23, 434; Royal Assent May 26 [36 Viet. c. 24]

**PEASE, Mr. J. W., Durham, S.**

Monastic and Conventual Institutions, 2R. Amendt. 1668

Rating (Liability and Value), 2R. 266; Comm. 728; cl. 3, 1003, 1012, 1022, 1073; Amendt. 1076, 1083; cl. 13, 1194, 1237; cl. 15, 1427; cl. 18, Amendt. 1430

**PEEL, Mr. A. W. (Secretary to the Board of Trade), Warwick Bo.**

Weights and Measures Acts, Res. 1087

**PELL, Mr. A., Leicestershire, S.**

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**Persia—Visit of the Shah**

Question, *Mr. Denison*; Answer, *Mr. Gladstone* May 27, 498; Questions, *Mr. Denison*, *Mr. Rylands*, *Sir Wilfrid Lawson*; Answers, *Mr. Gladstone*, Viscount Enfield June 9, 638; Question, *Mr. Bowring*; Answer, Viscount Enfield June 10, 724

*Persia—Visit of the Shah—cont.*

*Naval Review at Spithead*, Questions, Colonel Annesley, Mr. Baillie-Cochrane; Answers, Mr. Goschen *June 6*, 547; Questions, Sir John Hay, Mr. Mitchell Henry, Mr. Yorke; Answers, Mr. Goschen *June 13*, 949; Questions, Mr. Bowring; Answers, Mr. Goschen *June 17*, 1062; Observations, The Earl of Camperdown *June 19*, 1150; Question, Lord Chelmsford; Answer, Earl Granville *June 20*, 1216

*Review at Woolwich*, Question, Lord Eloth; Answer, Mr. Cardwell *June 19*, 1978

*Review in Windsor Park*, Questions, Mr. Walsh, Sir Robert Anstruther, Sir Patrick O'Brien, Viscount Galway; Answers, Mr. Cardwell, Mr. Goschen *June 18*, 997; Question, Lord Oranmore and Browne; Answer, The Marquess of Lansdowne *June 19*, 1151; Question, The Duke of Richmond; Answer, The Marquess of Ripon *June 20*, 1216

*The Naval and Military Reviews*, Question, Lord Oranmore and Browne; Answer, The Earl of Camperdown *June 19*, 989

*Arrival of the Shah of Persia*, Moved, "That this House do now adjourn" (Mr. Collins) *June 18*, 1135; Question put, and negatived

**Petitions of Right (Ireland) Bill**

(Mr. Butt, Sir Colman O'Loughlin, Mr. Callan)

c. Ordered; read 1<sup>st</sup> *June 12* [Bill 189]

Read 2<sup>nd</sup> *June 19*

Committee\*; Report *June 23*

Read 3<sup>rd</sup> *June 26*

l. Read 1<sup>st</sup> (Marquess of Clanricarde) *June 27* (No. 180)

PHILIPS, Mr. R. N., *Bury (Lancashire)*  
Juris, Comm. c. 57, 1520

**Pier and Harbour Orders Confirmation Bill**  
(The Earl of Morley)

l. Read 2<sup>nd</sup> *May 19* (No. 96)

Committee\* *May 20*

Report\* *May 23*

Read 3<sup>rd</sup> *June 10*

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PIM, Mr. J., *Dublin City*

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Ireland—Civil Servants, Case of, Res. 1805

Post Office—Purchase of Telegraphs, 101

**Pollution of Rivers Bill [H.L.]**

(The Earl of Shaftesbury)

l. Bill read 2<sup>nd</sup>, after short debate, and referred to a Select Committee *May 16*, 1; List of the Committee, 7 (No. 59)

**Poor Law**

*Labourers' Unions*, Question, Lord Edmond Fitzmaurice; Answer, Mr. Stansfeld *July 3*, 1705

*Refusal of Relief—Guardians of St. Germans*, Question, Mr. Carter; Answer, Mr. Stansfeld *June 12*, 834

**PORTMAN, Viscount**

Agricultural Children, 2R. 716

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**POST OFFICE**

*General Post Office, Edinburgh—Salaries*, Question, Mr. Miller; Answer, Mr. Monsell *June 23*, 1248

*Post Office and Telegraph Departments—Financial Irregularities*, Questions, Mr. Solator-Booth, Mr. Synan; Answers, The Chancellor of the Exchequer, Mr. Baxter *May 26*, 429; Question, Mr. Dillwyn; Answer, The Chancellor of the Exchequer *June 19*, 1173

*Post Office Packet Vote—Claim of Mr. Churchward*, Question, Mr. Bowring; Answer, The Attorney General *July 3*, 1706

"*Post Office Tea*," Question, Mr. Heygate; Answer, Mr. Monsell *May 26*, 431

*Purchase of Telegraphs*, Question, Mr. Plunket; Answer, Mr. Monsell *May 19*, 101—*Outstanding Claims*, Question, Mr. Denison; Answer, Mr. Monsell *June 19*, 1165

*Telegraph Stations in Galway*, Question, Mr. Heron; Answer, Mr. Monsell *May 23*, 355

*Telegraphs in Rural Districts*, Question, Mr. Agar-Ellis; Answer, Mr. Monsell *June 20*, 1229

**Post Office—Mail Contracts—Cape of Good Hope and Zanzibar Mail Contract**

Question, Mr. Holms; Answer, The Chancellor of the Exchequer *May 23*, 357

Orders of the Day postponed *June 9*, 640

Moved, "That the Contract for the Conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam Ship Company be approved" (Mr. Chancellor of the Exchequer) *June 9*, 686; after debate, Moved, "That the debate be now adjourned" (Mr. Chancellor of the Exchequer); after further short debate, Question put; A. 205, N. 121; M. 84; debate adjourned

Question, Mr. Disraeli; Answer, Mr. Bruce *June 13*, 934

Question, Observations, Mr. Bouverie; Reply, Mr. Gladstone; short debate thereon *June 16*, 1000

Moved, "That the Order for resuming the Adjourned Debate [9th June] be discharged" (The Chancellor of the Exchequer); Motion agreed to; Order discharged

**Post Office—Mail Contracts—cont:**

Orders of the Day postponed *June 19, 1876*

Moved, "That the Contract for the Conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam Ship Company be approved" (*Mr. Chancellor of the Exchequer*) *June 19, 1876*

After debate, Amendt. to leave out from "That," and add "a Select Committee be appointed to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right Honourable William Monsell, Her Majesty's Postmaster General" (*Mr. Bouvier*) *v.* 1206; Question, "That the words, &c." put, and negatived

Question proposed, "That the words 'a Select Committee be appointed to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right Honourable William Monsell, Her Majesty's Postmaster General,' be there added;" after further debate, Question, "That those words be there added," put, and agreed to; main Question, as amended, put, and agreed to

Select Committee appointed "to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right Honourable William Monsell, Her Majesty's Postmaster General (*Mr. Bouvier*)"

Question, Lord John Manners; Answer, Mr. Gladstone *June 23, 1880*

*Nomination of Select Committee*, Moved, "That Mr. Dodson be one of the Members of the Select Committee on the Cape of Good Hope and Zanzibar Mail Contract" (*Mr. Bouvier*) *June 23, 1880*

Moved, "That the debate be now adjourned" (*Mr. Monk*); after short debate, Motion agreed to

Question, Mr. Bourke; Answer, Mr. Bouvier *June 26, 1880*

Moved, "That the twenty-seven Orders of the Day following next to the Order for the Committee on the Rating (Liability and Value) Bill be deferred till after the Order of the Day for resuming the Adjourned Debate on the nomination of the Select Committee on the Cape of Good Hope and Zanzibar Mail Contract" (*Mr. Bruce*) *June 26, 1881*; after short debate, Motion agreed to

Question again proposed; Debate resumed *June 26, 1881*

Amendt. To leave out from "That," and add "the Committee do consist of Seven Members, Five to be nominated by the Committee of Selection and Two to be added by the House" (*Mr. Hunt*) *v.*; Question proposed, "That the words, &c.;" after debate, Question put; A. 124, N. 85; M. 39

Main Question put, and agreed to; Select Committee nominated; List of the Committee, 1451

**POTTER, Mr. E., Carlisle**

Rating (Liability and Value), Comm. cl. 13, 1193

**POWELL, Mr. F. S., Yorkshire, W. R. N. Dec.**

Criminal Law—Folkestone Magistrates, The, 1497

Metropolis—New Courts of Justice, 407

Minors Protection, 2R. 1877

Rating (Liability and Value), Comm. cl. 3, 1073; cl. 13, Amendt. 1233

Supreme Court of Judicature, Comm. cl. 5, 1594; cl. 29, 1879

Supply—Alabama Claims, 411—Report, 468

Education—England and Wales, 1459

**POWERSCOURT, Viscount**

Game Birds (Ireland), 2R. 829

Peace Preservation (Ireland) Acts Continuance, 2R. 340

**POWIS, Earl of**

Fairs, 2R. 159

Land Titles and Transfer, 2R. 350

Sites for Places of Religious Worship, Report 1032

**Prevention of Crime Bill**

(*Mr. Secretary Bruce; Mr. Winterbottom*)

c. Bill withdrawn \* July 7

[Bill 36]

**Prevention of Frauds on Charitable Institutions Bill [A.L.]**

(*The Earl of Shaftesbury*)

Presented; read 1<sup>st</sup> May 19 (No. 122)

Bill withdrawn, after short debate July 7, 1847

**Prison Ministers Act (1863) Amendment**

Bill (*Sir John Trelawny, Mr. Osborne,*

*Lord Arthur Russell*)

c. Bill withdrawn \* June 30

[Bill 13]

**Prison Officers Superannuation (Ireland)**

Bill (*Sir John Gray, Mr. Pies, Mr.*

*Ion Trant Hamilton*)

c. Committee \*—R.P. June 11 [Bill 142]

Committee \*; Report June 26

Considered \* June 30

Read 3<sup>rd</sup> \* July 1

l. Read 1<sup>st</sup> \* (*Earl of Longford*) July 3 (No. 192)

**Prisoners on Remand Bill**

(*Mr. Henry B. Sheridan, Mr. Locke, Mr. M. Lagan*)

c. Ordered; read 1<sup>st</sup> \* July 7

[Bill 226]

**Proportional Representation Bill**

(*Mr. Morrison, Mr. Fawcett, Mr. Auberon Herbert, Mr. Thomas Hughes*)

c. Ordered; read 1<sup>st</sup> \* June 16

[Bill 194]

**Public Health Act, 1872—Health of the Port of London**

Question, Mr. Cadogan; Answer, Mr. Stansfeld July 7, 1885

**Public Meetings (Ireland) Bill**

(*Mr. P. J. Smyth, Mr. M'Mahon, Mr. Ronayne, Sir John Gray, Mr. Downing, Mr. Butt*)

c. 2R.\*; debate, adjourned, June 17. [Bill 157]  
Debate resumed July 7, 1890; after short debate, Question put, and negatived

**Public Prosecutors Bill**

(*Mr. Secretary Bruce, Mr. Attorney-General, Mr. Winterton*)

c. Ordered; read 1<sup>o</sup> May 22 [Bill 173]

Bill withdrawn July 7

**Public Records (Ireland) Act (1867)**

**Amendment Bill** (*The Marquess of Hartington, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>o</sup> June 30 [Bill 217]

Read 2<sup>o</sup> July 8

Committee July 7

**Public Schools Act (1890) School**

Question, Mr. Straught; Answer, Mr. Hibbert  
May 19, 99

**Public Works Commissioners (Loans to School Boards and Sanitary Authorities) Bill—Afterwards**

**Public Works Loan Commissioners (School and Sanitary Loans) Bill**

(*Mr. Baxter, Mr. William Henry Gladstone*)

c. Ordered; read 1<sup>o</sup> June 24 [Bill 208]

Read 2<sup>o</sup> June 30

Committee; Report July 1

Read 3<sup>o</sup> July 2

l. Read 1<sup>o</sup> (*Marquess of Lansdowne*) July 3  
(No. 193)

**Public Worship Facilities Bill**

(*The Earl of Carnarvon*)

l. Standing Order, No. 34, considered (according to order), and, after short debate, dispensed with in respect of the said Bill  
May 20, 189

Moved, "That the Bill be now read 2<sup>o</sup>"

June 26, 1878

Amend. to leave out ("now") and insert ("this day three months") (*The Earl of Shaftesbury*); after debate, on Question, That ("now.") &c.; Cont. 52, Not-Cont. 68; M. 16; resolved in the negative

Division List, Cont. and Not-Cont., 1396

**RAIKES, Mr. H. O., Chester**

Army—Adjutants of Miffits, 1485

Juries, Comm. cl. 5, 526

Parliamentary Representation—Vacant Seats, 108

Supreme Court of Judicature, Comm. 1582;

cl. 5, Amend. 1595; cl. 6, 1742; cl. 28, Amend. 1874, 1875

Sweden—Coronation of the King of, 353

**Railway Accidents**

Moved, "That, in the opinion of this House, the time is come when the Government should take powers to enforce the adoption, where necessary, on Railway Companies, of additional securities for the safety of the public" (*Sir Henry Selwin-Ibbetson*) May 20, 174

Amend. To leave out from "when," and add "the Railways of the United Kingdom should become the property, and be under the control and management of the State" (*Mr. Lea*) v.; Question proposed, "That the words, &c.;" after debate  
(House counted out)

**Railway and Canal Traffic Bill**

(*The Lord President*)

l. Report May 16, 8 (Nos. 84-112-120)

Read 8<sup>o</sup> May 19

c. Lords' Amendments, considered May 26, 482; after short debate, further consideration deferred

Lords' Amendments, further considered June 23, 1898; several agreed to; one amended, and agreed to; one disagreed to

Committee appointed, "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendment to which this House hath disagreed;" List of the Committee, 1306

**Railway Casualties**

Moved, That there be laid before the House "Return of the number of persons in the service of each railway company in the United Kingdom who had been killed or seriously injured in the discharge of their duties from the 1st of January, 1872, to the 1st of June, 1878, and of the amount of compensation given by the Company in each case" (*Lord Buckhurst*) June 12, 881; after short debate, Motion amended, and agreed to

**Railway Communication with India**

Question, Sir George Jenkinson; Answer, Mr. Gladstone June 12, 836

**Railways Amalgamation Bill**

(*Mr. Stapleton, Mr. Dickinson*)

c. Ordered; read 1<sup>o</sup> July 7 [Bill 227]

**Railways Provisional Certificate Bill**

*Afterwards—*

**Railways Provisional Certificates**

(*Widnes Railway*) Bill

(*The Earl of Morley*)

l. Read 2<sup>o</sup> May 23 (No. 111)

Committee; Report June 16

Read 3<sup>o</sup> June 17

Royal Assent July 7 [86 & 37 Vict. c. 84]

**RATHBONE, Mr. W., Liverpool**

Juries, Comm. cl. 5, Amend. 523

Post Office—Mail Contracts, Res. 709;—Cape and Zanzibar, 1213

Railway and Canal Traffic, Lords Amendments, 1305

Supply—Education, England and Wales, 1458

Supreme Court of Judicature, Comm. cl. 26, 1873



**Rating (Liability and Value) Bill**

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert*)

c. *Government Property*, Question, Mr. W. H. Smith; Answer, Mr. Stansfeld May 20, 171  
Moved, "That the Bill be now read 2<sup>o</sup>"  
May 22, 277

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Cawley*); Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2<sup>o</sup>  
[Bill 146]

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair June 10, 725  
Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (*Mr. Scourfield*) v.; after debate, Question put, "That the words, &c.;"  
A. 211, N. 181; M. 30

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—*n.p.*

Committee—*n.p.* June 13, 910

Committee—*n.p.* June 16, 1003

Committee—*n.p.* June 17, 1085

Committee—*n.p.* June 19, 1174

Committee—*n.p.* June 20, 1239

Committee—*n.p.* June 26, 1423 [Bill 205]

**Rating (Liability and Value) [Payment of Rates]**

Considered in Committee June 10, 795; Resolution agreed to; to be reported To-morrow

**Rating of Government Property—Consolidated Rate Bill**

Question, Mr. W. Morrison; Answer, Mr. Hibbert May 23, 357

**RAVENSWORTH, Lord**

Alkali Act, 1863—Petition, 1776

Pollution of Rivers, 2R. 3

**READ, Mr. Clare S., Norfolk, S.**

Landlord and Tenant, 2R. 1644

Rating (Liability and Value), Comm. 735; cl. 3, 928, 933, 1005, 1008, 1010; Amendt. 1011, 1013, 1019, 1020, 1021, 1028, 1029, 1031; cl. 15, 1424, 1427, 1428; Amendt. 1429, 1430

Supply—Education, England and Wales, 1459

**Real Estate Settlements Bill**

(*Mr. William Fowler, Mr. Robert Brand, Mr. Watkin Williams*)

c. Order for 2R. discharged; Bill withdrawn July 2, 1643 [Bill 38]

**Real Property Limitation Bill [H.L.]**

(*The Lord Chancellor*)

l. Read 2<sup>o</sup> May 23 (No. 86)

**REDESDALE, Lord (Chairman of Committees)**

Agricultural Children, 2R. 721

Army—Military Depot at Oxford, Address for Correspondence, 1494

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**REDESDALE, Lord—cont.**

Edmunds, Leonard, Esquire—Petition of, 963, 978

Judicial Peerages, Motion for an Address, 1758, 1775, 1776

Public Worship Facilities—Standing Order No. 34a. 160

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Shah of Persia—Review at Windsor, 1216, 1217

**REED, Mr. C., Hackney**

East India House Museum, 838

Juries, Comm. cl. 7, 529

Rating (Liability and Value), 2R. 289; Comm. cl. 3, Amendt. 1081

**Reformatory and Industrial Schools—Ashton-under-Lyne Catholic School**

Question, Mr. Cawley; Answer, Mr. Bruce June 19, 1161

**Register for Parliamentary and Municipal Electors Bill**

(*Mr. Attorney General, Mr. Hibbert*)

c. Bill considered May 23, 413 [Bills 106-109]  
Read 3<sup>o</sup> May 26

l. Read 1<sup>o</sup> (Lord Privy Seal) May 27 (No. 138)  
Moved, "That the Bill be now read 2<sup>o</sup>"  
June 26, 1397

Amendt. to leave out ("now," and insert ("this day three months") (*The Lord Cairns*); after short debate, on Question, That ("now," &c.) 1 Cent. 26, Not-Cont. 63; M. 36

Resolved in the negative

Division List, Cont. and Not-Cont. 1408

**Registration (Ireland) Bill**

(*The Marquess of Hartington, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>o</sup> May 16 [Bill 165]  
Read 2<sup>o</sup> May 23

Committee\*; Report May 26

Considered\* May 27

Read 3<sup>o</sup> June 6

l. Read 1<sup>o</sup> (*Marquess of Lansdowne*) June 9  
Read 2<sup>o</sup> June 10 (No. 138)

Committee\*; Report June 12

Read 3<sup>o</sup> June 13

Royal Assent June 16 [36 Vict. c. 80]

**Registration of Births and Deaths Bill**

[H.L.] (*The Earl of Morley*)

l. Report\* May 20 (Nos. 49-100)

Read 3<sup>o</sup> May 23

c. Read 1<sup>o</sup> (*Mr. Stansfeld*) May 27 [Bill 180]  
Question, Mr. W. H. Smith; Answer, Mr. Stansfeld June 10, 722

**Registration of Firms Bill**

(*Mr. Norwood, Mr. Charles Turner, Mr. Whitwell, Mr. Barnett*)

c. Bill withdrawn\* June 24 [Bill 59]

**Registration of Trade Marks Bill—See title—Trade Marks Registration Bill**

**Revising Barristers Bill**

(Mr. Charley, Mr. Holker)

c. Ordered; read 1<sup>st</sup> July 4 [Bill 221]**RICHARD, Mr. H., Merthyr Tydvil**Elementary Education Act (1870) Amendment,  
Laege, 905**RICHMOND, Duke of**Agricultural Children, 2R. 717; Comm. cl. 4,  
1152; cl. 6, 1153; cl. 9, Amendt, 1154;  
Report, 1549

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Candidates for Commissions, 1278

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1219, 1222, 1223Army—Military Depot at Oxford, Address for  
Correspondence, 1492Army—Recruits, Res. 1527, 1608, 1615, 1616,  
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formances, 2R. 1245

Government of Ireland, 2R. 1532, 1546

Law Agents (Scotland), 2R. 1781

Peace Preservation (Ireland) Acts Continu-  
ance, 2R. 332

Railway and Canal Traffic, Report, cl. 20, 9

Shah of Persia—Review at Windsor, 1216

Tithe Commutation Acts Amendment, 2R. 1607

Vagrants Law Amendment, Comm. cl. 3,  
Amendt. 426**RIPON, Marquess of (Lord President of  
the Council)**Agricultural Children, Comm. cl. 4, 1152;  
cl. 6, 1153; add. cl. 1154, 1155, 1158

Ald Act, 1863—Petition, 1779

Army—Half Pay Officers, 1240

College Statutes, Alteration of, 10, 12

Elementary Education—English and Scotch  
Codes, 1158Endowed Schools Commissioners—King Ed-  
ward VI.'s Grammar School, Birmingham,  
Motion for an Address, 82

Pollution of Rivers, 2R. 5

Railway and Canal Traffic, Report, cl. 20,  
Amendt. 8, 9; cl. 26, 10

Shah of Persia—Review at Windsor, 1216

**Roads and Bridges (Scotland) Bill**(Sir Robert Anstruther, Mr. McEwan, Mr. Miller,  
Mr. Parker)c. Moved, "That the Bill be now read 2<sup>nd</sup>"  
June 11, 1866Amendt. to leave out from "That," and add  
"whereas the Roads and Bridges (Scotland)  
Bill involves the compulsory imposition of  
new local burdens, this House declines to en-  
tertain this Bill until the question of the re-  
lief to be granted from Imperial funds to  
local taxation shall have been definitively  
settled" (Mr. Craufurd), v.; Question pro-  
posed, "That the words, &c.," after debate,  
Question put: A. 124, N. 115; M. 9Main Question put, and agreed to; Bill read 2<sup>nd</sup>  
Bill withdrawn July 7. [Bill 46]**Rock of Cashel Bill [H.L.]**

(Lord Stanley of Alderley)

L. Moved, "That the Bill be now read 2<sup>nd</sup>"  
May 26, 1844Amendt. to leave out ("now,") and insert  
("this day six months" (Viscount Middleton);  
after debate, on Question, That ("now,")  
&c. f Cont. 23, Not-Cont. 112; M. 89; re-  
solved in the negative (No. 90)

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**ROMILLY, Lord**

Sites for Places of Worship, 2R. 152

**RONAYNE, Mr. J. P., Cork City**Peace Preservation (Ireland), Comm. 64; cl. 2,  
67; Proviso, 68, 71**ROSEBERY, Earl of**

Church of Scotland—Patronage, Res. 1042

Judicial Peerages, Motion for an Address, 1769

**ROYSTON, Right Hon. Viscount, Cam-  
bridgeshire**

Landlord and Tenant, 2R. 1646

**RUSSELL, Earl**Government of Ireland, 1R. 618, 683; 2R.  
1527, 1539**RYLANDS, Mr. P., Warrington**

Army Estimates—Warlike Stores, 1276

Navy Estimates—Admiralty Office, 105

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Juries, Comm. cl. 57, 1520

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1022; add. cl. 1437

Shah of Persia, Visit of, 638

Supreme Court of Judicature, Comm. cl. 24,  
1805, 1865; cl. 28, 1878**ST. AUBYN, Sir J., Cornwall, W.**Rating (Liability and Value), Comm. cl. 3,  
Amendt. 1065, 1074**SALISBURY, Marquess of**Agricultural Children, 2R. 719; Comm. cl. 4,  
1152; cl. 6, 1153; add. cl. 1156Army—Military Depot at Oxford, Address for  
Correspondence, 1489, 1491, 1493

College Statutes, Alteration of, 10, 12

Endowed Schools Commissioners—King Ed-  
ward VI.'s Grammar School, Birmingham,  
Motion for an Address, 74, 91Judicial Peerages, Motion for an Address,  
1765, 1769

Local Government Board (Ireland), 2R. 907

Pollution of Rivers, 2R. 4

Prevention of Frauds on Charitable Funds, 2R.  
1848Public Worship Facilities—Standing Order No.  
34a, 163, 164Sites for Places of Religious Worship, 3R.  
Amendt. 1241, 1242

**Salmon Fisheries (No. 2) Bill**

(Mr. Dodds, Lord Kensington, Mr. Pease)

c. Bill withdrawn \* June 10

[Bill 60]

**SALT, Mr. T., Stafford**

Army Estimates—Control Establishments—  
Wages, &c. 1259  
Elementary Education Act—School Accom-  
modation, 993

**SAMPDA, Mr. J. D'A., Tower Hamlets**

Navy Estimates—Dockyards, &c. 133, 138, 146  
Naval Stores, 443  
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1195

**SAMUELSON, Mr. B., Barbury**

Navy Estimates—Admiralty Office, 116  
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Scientific Department, 127, 129

**SAMUELSON, Mr. H. B., Cheltenham**

Army—Royal Marine Artillery—Officers, 1565  
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1555

**SANDON, Viscount, Liverpool**

Brazil—British Subjects, Claims of, 1249  
Church Discipline—Letters of Primates, 1861,  
1862

**SLATER-BOOTH, Mr. G., Hampshire, N.**

Army Estimates—Administration of the Army,  
1293  
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Juries, Comm. cl. 45, 535, 537, 540  
Navy Estimates—Admiralty Office, 104  
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Post Office and Telegraph Departments—Finan-  
cial Irregularities, 429  
Post Office—Mail Contracts—Cape and Zan-  
zibar, 1214  
Rating (Liability and Value), 2R. 317; Comm.  
750; cl. 2, 911; cl. 3, 1029, 1083; cl. 7,  
1183; Preamble, 1444  
Supply—Science and Art Department, 1464

**Scotch and Irish Peerage**

Moved, "That an humble Address be presented to Her Majesty for Returns of the present state of the Irish and Scotch Peerage, showing what Peerages have become extinct since the union of these countries with England, and what extinct Peerages are now represented by inferior titles; the number of Scotch and Irish Peers without seats in Parliament; and the roll of English, United Kingdom, Scotch, and Irish Peerages at the respective dates of union, and at the present time; also, the number of Irish Peerages created since the Union, and the number of British Peerages conferred on Irish and Scotch Peers, and the years in which they were granted" (*The Lord Inchiquin*) July 4, 1779; Motion agreed to

**SCOTLAND**

*Agricultural Returns for Scotland*, Question, Observations, Lord Napier and Ettrick; Reply, The Duke of Argyll June 27, 1478

*Church Rates Legislation (Scotland)*, Question, Mr. M'Laren; Answer, The Lord Advocate May 19, 189

*Civil Service (Scotland)*, Question, Mr. M'Laren; Answer, Mr. Gladstone July 7, 1865

*Grown Salmon Fishings (Scotland)*, Question, Mr. Elliot; Answer, Mr. Baxter June 20, 1227; June 26, 1412

*Poor Law (Scotland)*, *Inspectors*, Question, Sir Robert Anstruther; Answer, Mr. Bruce June 26, 1410

*Probates, &c. of Wills (Scotland)*, Question, Mr. Dodds; Answer, The Lord Advocate May 22, 272

*Sheriff Salaries*, Question, Sir David Wedderburn; Answer, The Chancellor of the Exchequer July 7, 1862

**Scotland, Church of—Patronage**

Moved to resolve, that whereas the presentation of ministers to churches in Scotland by patrons under the existing law and practice has been the cause of much division among the people and in the Church of Scotland, it is expedient that Her Majesty's Government should take the whole subject into consideration with the view of legislating as to the appointment and settlement of ministers in the Church of Scotland (*The Earl of Airlie*) June 17, 1832; after long debate, Motion withdrawn

Moved, "That, whereas the presentation of Ministers to Churches in Scotland by patrons under the existing law and practice has been the cause of much division among the people and in the Church of Scotland, it is expedient that Her Majesty's Government should take the whole subject into consideration, with a view of legislating as to the appointment and settlement of Ministers in the Church of Scotland" (*Sir Robert Anstruther*) June 17, 1899; after short debate, Previous Question proposed, "That that Question be now put" (*Mr. Craufurd*); after further debate, Previous Question and Motion withdrawn

**Scotland—Church Rates**

Question, Mr. M'Laren; Answer, The Lord Advocate May 19, 189

Moved, "That the levying of local rates and assessments on lands and houses for the erection and repair of Churches and Manse in Scotland, for the supposed benefit of a minority of the population, is unjust in principle, and the cause of great dissatisfaction amongst the people; and looking to the hopes held out by the Government on the subject, this House is of opinion that a Bill should be introduced by the Government during the present Session of Parliament, to remove the existing grievance" (*Mr. M'Laren*) June 27, 1522 [House counted out]

**SCOTT, Lord H. J. M. D., Hampshire, S.**  
Landlord and Tenant, 2R. 1647

SCOURFIELD, Mr. J. H., *Pembrokeshire, &c.*  
 Army—Robins, Lieutenant, Case of, 14  
 Elementary Education—School Accommodation, 1249, 1250  
 Juries, Comm. cl. 5, 516, 520  
 Navy—Estimates—Admiralty Office, 123  
 Dockyards, &c. 138  
 Parliamentary Elections (Expenses), 2R. 1130  
 Post Office—Mail Contracts—Cape and Zanzibar, 1450  
 Rating (Liability and Value), 2R. 297; Comm. Amendt. 726; cl. 3, 1023; cl. 7, 1188, 1189; cl. 13, 1237; add. cl. 1439, 1444  
 Roads and Bridges (Scotland), 2R. 818  
 Supply—Education—England and Wales, 1464  
 Weights and Measures Acts, Res. 1090

### Seduction Laws Amendment Bill

(Mr. Charley, Mr. Eykyn, Mr. Mundella, Mr. Whitwell)

c. Committee; Report July 7, 1891 [Bills 10-223]

SELBORNE, Lord (see CHANCELLOR, The Lord)

SELWIN-IBRETON, Sir H. J., *Essex, W.*  
 Epping Drainage, Res. 1643  
 Juries, Comm. cl. 5, 521  
 Railway Accidents, Res. 174

### SHAFTESBURY, Earl of

Admission to Benefices and Churchwardenships, Comm. cl. 5, Amendt. 1409  
 Agricultural Children, 2R. 718  
 Children's Employment in Dangerous Performances, 2R. 1243  
 Prevention of Frauds on Charitable Funds, 2R. 1847, 1850  
 Public Worship Facilities—Standing Order No. 34a, 162; 2R. Amendt. 1381

### SHERLOCK, Mr. Serjeant D., *King's Co.*

Board of Education (Ireland)—O'Keefe, Rev. Mr., Nomination of Committee, 329  
 Landlord and Tenant, 2R. 1648  
 Monastic and Conventual Institutions, 2R. 1679  
 Peace Preservation (Ireland), Comm. 64  
 Railway Accidents, Res. 189  
 Supreme Court of Judicature, Comm. cl. 29, 1879

### Shrewsbury School Property Bill—

*Afterwards*

### Shrewsbury and Harrow School Property Bill

(Mr. Winterbotham, Mr. Secretary Bruce)

c. Committee\* (on re-comm.); Report May 26  
 Read 3<sup>o</sup> May 27 [Bills 117-164]

l. Read 1<sup>o</sup> (The Lord Privy Seal) June 9  
 Read 2<sup>o</sup> July 1 (No. 140)

Committee\* July 3

Report\* July 4

Read 3<sup>o</sup> July 7

Royal Assent July 21 [36 & 37. Vict. c. 41]

### SIMON, Mr. Serjeant J., *Dorset*

Supreme Court of Judicature, 2R. 864; Comm. cl. 5, 1594, 1597; cl. 8, 1747; cl. 13, 1750; cl. 24, 1865; cl. 27, 1874; cl. 29, 1884

### Sites for Places of Religious Worship Bill

(The Lord Hatherley)

l. Bill read 2<sup>o</sup>, after debate May 20, 183 (No. 61)

Committee\*; Report May 23 (No. 128)

Re-comm.\* June 16 (No. 159)

Report June 17, 1032

Read 3<sup>o</sup> June 28, 1241

### Slave Trade (Consolidation) Bill [H.L.]

(The Earl of Camperdown)

l. Presented; read 1<sup>o</sup> July 1 (No. 188)

Read 2<sup>o</sup> July 7

### Slave Trade (East African Courts) Bill

[H.L.] (The Earl of Camperdown)

l. Presented; read 1<sup>o</sup> July 1 (No. 187)

Read 2<sup>o</sup> July 7

### SMITH, Mr. J. B., *Stockport*

Bank of England Returns, 429

### SMITH, Mr. T. E., *Tynemouth, &c.*

Juries, Comm. cl. 5, 523

Mercantile Marine—Unseaworthy Ships, 1416, 1417

Metropolis—New Courts of Justice, 408

Railway and Canal Traffic, Lords Amendts. 1304

### SMITH, Mr. W. H., *Westminster*

Elementary Education, 908

Metropolis—New Courts of Justice, 407

Rating (Liability and Value), 171; Comm. 750; cl. 7, 1186

Registration of Births and Deaths, 722

Supply—Education (England and Wales), 1460

### SOLICITOR GENERAL, The (Sir G. JESSEL),

*Dover*

Conveyancing (Scotland), Comm. cl. 12, 503

Juries, Comm. cl. 5, 521

Masters and Servants—Law of Contract, Res. 603

Rating (Liability and Value), Comm. cl. 3, 1004, 1010, 1025, 1026, 1030, 1079, 1080; cl. 4, 1177, 1178; cl. 13, 1199, 1194, 1234; cl. 15, 1480; add. cl. 1486

Supreme Court of Judicature, 2R. 678, 681, 678; Comm. 1580, 1582; cl. 5, 1586, 1593, 1596, 1693, 1631; cl. 6, 1735; Amendt. 1743, 1744, 1745; cl. 13, 1748; cl. 22, Amendt. 1797, 1798, 1799, 1800; cl. 24, 1869; cl. 28, 1875, 1876, 1877; cl. 29, 1882; cl. 31, 1887

### South Kensington Exhibition of 1871—

*Sale of Land*

Questions, Sir Henry Hoare; Answers, Mr. Ayrton, The Attorney General June 19, 1168

**South Sea Islanders**

Question, Observations, The Earl of Belmore ;  
Reply, The Earl of Kimberley July 3,  
1893

**Spain**

*Recognition of the Spanish Republic*, Question,  
Mr. P. A. Taylor ; Answer, Viscount Enfield  
June 12, 837

**Spain—Release of the "Murillo"**

Moved, That an humble Address be presented  
to Her Majesty for, Copy of Correspondence  
between Her Majesty's Government and the  
Spanish Authorities with respect to the  
Spanish steamship "Murillo" (*The Earl of*  
*Carnarvon*) June 23, 1245 ; after short  
debate, Motion agreed to

**SPEAKER, The (Right Hon. H. B. W. BRAND), Cambridgeshire**

Church Discipline—Letters of the Primates,  
1853  
Contagious Diseases Acts Repeal, 2R. 253  
Criminal Law—Tichborne Case, 409, 980, 981,  
982  
Factory Acts Amendment, 2R. 828  
Landlord and Tenant, 2R. 1648  
Monastic and Conventual Institutions, 2R.  
1678, 1783  
Navy (Promotion and Retirement), Motion for  
a Committee, 767  
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276  
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Post Office—Mail Contracts, 1001  
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1298, 1299  
Supreme Court of Judicature, Comm. 1684  
Union Rating (Ireland), 1711

**STAIR, Earl of**

Church of Scotland (Patronage, Res. 1043

**STANHOPE, Earl**

Army—Medical Officers Service in Africa, Mo-  
tion for an Address, Amendt. 830  
Government of Ireland, 2R. 1532  
Order of Merit, Motion for an Address, 1466

**STANHOPE, Mr. W. T. W. S., Yorkshire, W.R.**

Army—Half Pay Officers, 1240  
Inclosure of Commons—Legislation, 432  
Juries, Comm. cl. 57, 1518, 1520  
Rating (Liability and Value), 2R. 301 ; Comm.  
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**STANLEY OF ALDERLEY, Lord**

Alkali Act (1863)—Petition, 1770  
Indian Appeals, 979  
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**STANLEY, Hon. Captain F. A., Lancashire, N.**

Navy (Promotion and Retirement), Motion for  
a Committee, 793  
Navy Estimates—Dockyards, &c. 148  
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**STANLEY, Hon. W. O., *Banmorris***

Juries (Wales), 271

**STANSFELD, Right Hon. J. (President of the Local Government Board), Halifax**

Agricultural Labourers Unions—Earingdon  
Highway Board, 169  
Cholera, The, 1854  
Elementary Education Act—London School  
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Poor Law—Guardians of St. Germans, 835  
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Public Health Act, 1872—Port of London,  
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Rating (Liability and Value), 171 ; 2R. 291 ;  
Comm. 743, 749, 750 ; cl. 2, Amendt. *ib.*,  
910, 911 ; cl. 3, 926, 927, 928, 929, 930, 931,  
933, 1009, 1005, 1007, 1009 ; Amendt. 1010,  
1015, 1016, 1017, 1018 ; Amendt. 1019,  
1020 ; Amendt. 1021, 1023, 1027, 1028 ;  
Amendt. 1030 ; Amendt. 1031, 1071, 1073,  
1076, 1080, 1082 ; cl. 4, 1176, 1181 ; cl. 7,  
1187 ; Amendt. 1189 ; cl. 9, Amendt. 1190,  
1194, 1195 ; cl. 13, 1233, 1235, 1239 ;  
cl. 15, 1423, 1429, 1430 ; cl. 17, *ib.* ; cl. 18,  
1431 ; add. cl. *ib.*, 1432, 1433, 1434, 1439 ;  
Preamble, 1445  
Registration of Births and Deaths, 722  
Valuation, 2R. 219

**STAPLETON, Mr. J., *Berwick-on-Tweed***

Hypothec Abolition (Scotland), 2R. 1361

**Statute Law Revision Bill [H.L.]**

(*The Lord Chancellor*)

L. Presented ; read 1<sup>st</sup> June 26 (No. 174)  
Read 2<sup>nd</sup> July 4

**Stipendiary Magistrates (Scotland) Bill**

(*Marquess of Lansdowne*)

L. Committee.—R.P. June 6 [Bill 129]

**STONE, Mr. W. H., *Portsmouth***

Navy Estimates—Dockyards, &c. 189  
Scientific Departments, 127  
Rating (Liability and Value), 2R. 399 ; Comm.  
cl. 7, 1185

**STORKE, Right Hon. Major General Sir H. (Surveyor General of Ordnance), Ripon**

Army—Questions, &c.  
Artillery—Cast-Iron Guns, Conversion of,  
1855  
Autumn Manœuvres—Horse Blankets, 1552  
Carlisle Fort, 839  
Clothing, &c. of the German Army, 93  
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Military Hospital at Portsea, 840  
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Royal Military Academy, Woolwich, 100  
Shute, Major-General, 1166  
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**STOKES, Right Hon. Major General Sir H.—cont.**

Army—Cavalry Force, Res. 566  
Army—Military Centres—Oxford, Motion for a Committee, 373, 374  
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Rating (Liability and Value), Comm. cl. 7, 1190

**STRAIGHT, Mr. D., Shrewsbury**  
Public Schools Act—Shrewsbury School, 99

**STRATHNAIRN, Lord.**  
Army—Education of Officers, 1838  
Militia Reserve—Annual Bounty, 987

**Sunday Trading Prosecutions — Sunday Observation Amendment Act, 1872**  
Question, Mr. F. A. Taylor; Answer, Mr. Bruce July 7, 1866

**Superannuation Act Amendment Bill**  
(*Marquess of Lansdowne*)

1. Read 2<sup>o</sup> May 19 (No. 113)  
Committee; Report May 20  
Read 3<sup>o</sup> May 23  
Royal Assent May 26 [36 Vict. c. 28]

**Superannuation Bill**  
Question, Mr. Mellor; Answer, Mr. Gladstone May 16, 15

## SUPPLY

Considered in Committee May 19, 103—NAVY  
ESTIMATES—Votes 2 to 9—Resolutions reported May 21  
Considered in Committee May 23, 410—ALABAMA CLAIMS—Resolution reported  
Moved, "That the said Resolution be now read a second time" May 26, 456; after debate, Question put, and agreed to; Resolution agreed to  
Considered in Committee May 26, 436—NAVY  
ESTIMATES—Votes 10 to 16—Resolutions reported May 27  
Considered in Committee—R.F. June 6  
Considered in Committee—R.F. June 13  
Considered in Committee June 23, 1251—ARMY  
ESTIMATES—Votes 9 to 25—Resolutions reported June 24  
Considered in Committee June 26, 1451—CIVIL  
SERVICE ESTIMATES—Votes 1 and 2—CLASS  
IV.—EDUCATION, SCIENCE, AND ART—Votes  
1, 2, 9, and 10—Resolutions reported June 27  
Considered in Committee June 27, 1500—POST  
OFFICE PACKET SERVICE—CIVIL SERVICE  
ESTIMATES—CLASS IV.—EDUCATION, SCIENCE,  
AND ART—Votes 13 and 14—Resolutions reported June 30

**Supreme Court of Judicature Bill [H.L.]**  
(*Mr. Attorney General*)

a. Moved, "That the Bill be now read 2<sup>o</sup>"  
June 9, 640  
Amend. to leave out from "That," and add  
"it is inexpedient to abolish the jurisdiction of  
the House of Lords as an English Court of  
Final Appeal" (*Mr. Charley*) v.; Question  
proposed, "That the words, &c.;" after  
debate, Moved, "That the debate be now  
adjourned" (*Mr. Gladstone*); after further  
short debate, Debate adjourned  
Debate resumed June 12, 844; after long  
debate, Question put, and agreed to; Bill  
read 2<sup>o</sup> [Bill 184]  
Order for Committee read; Moved, "That Mr.  
Speaker do now leave the Chair" (*Mr.  
Gladstone*) June 30, 1561; after debate,  
Moved, "That the debate be now adjourned"  
(*Mr. Hunt*), 1577; after further short debate,  
Question put; A. 170, N. 192; M. 22  
Question again proposed, "That Mr. Speaker,  
&c.;" after further short debate, Question  
put, and agreed to; Committee—R.F. 1584  
Committee—R.F. July 1, 1623  
Committee—R.F. July 3, 1712  
Committee—R.F. July 4, 1787  
Committee—R.F. July 7, 1865

**Sweden—Coronation of the King**  
Question, Mr. Raikes; Answer, Viscount  
Enfield May 23, 363

**SYNAN, Mr. E. J., Limerick Co.**  
Peace Preservation (Ireland), Comm. cl. 2, 66;  
Proviso, 72  
Post Office and Telegraph Departments—  
Financial Irregularities, 429

**TALBOT, Hon. Captain R. A. J., Stafford**  
*Bo.*

Army—Cavalry Force, Res. 552  
Metropolis—Thames Embankment, 502

**TALBOT, Mr. J. G., Kent, W.**  
Rating (Liability and Value), Comm. cl. 3,  
1020; cl. 4, 1183

**TAYLOR, Right Hon. Lt.-Colonel T. E.,**  
*Dublin Co.*  
General Valuation (Ireland), Comm. 1337  
Parliament—Order of Business, 1311

**TAYLOR, Mr. P. A., Leicester Bo.**  
Criminal Law—Halstead Magistrates—Mays,  
Samuel, Case of, 1163  
Spain—Spanish Republic, Recognition of the,  
837  
Sunday Trading Prosecutions, 1856, 1858

**Twignmouth and Dawlish Turnpike Trust**  
Question, Sir S. Northcote; Answer, Lord G.  
Cavendish July 3, 1710

**Thames Embankment (Land) Bill**

(Mr. Chancellor of the Exchequer, Mr. Baxter)

c. Re-comm. ; Report May 26 [Bills 65-152]

Read 3<sup>o</sup> \* May 27l. Read 1<sup>o</sup> \* (Marquess of Lansdowne) June 8Read 2<sup>o</sup> \* June 19 (No. 187)

Report \* June 27 (No. 179)

Committee \* July 1

Report \* July 3

Read 3<sup>a</sup> \* July 4

Royal Assent July 31 [36 &amp; 37 Vict. c. 40]

**THYNNE, Lord H. F., Wiltshire, S.**

Army—Autumn Manœuvres—Compensation—1162

Army Estimates—Control Establishments—Wages, &amp;c. 1259

**TIPPING, Mr. W., Stockport**

Railway and Canal Traffic, Lords Amends. 1304

**Tithe Commutation Acts Amendment Bill**

(Mr. Arthur P. Vivian, Mr. Bouverie, Sir John Lubbock, Mr. Magniac)

c. Committee \* ; Report June 16 [Bills 81-193]

Read 3<sup>o</sup> \* June 20l. Read 1<sup>o</sup> \* (Earl Fortescue) June 23 (No. 171)Bill read 2<sup>a</sup>, after short debate July 1, 1907**TRAU, Hon. O. R. D. HANBURY-, Montgomery, &c.**

Mercantile Marine—Danger Signals, 723

Navy (Promotion and Retirement), Motion for a Committee, 771

Navy Estimates—Admiralty Office, 108, 110

**Trade Marks Registration Bill**

Formerly—

**Registration of Trade Marks Bill**

(Mr. Arthur Peel, Mr. Chichester Fortescue)

c. Bill withdrawn \* July 7 [Bill 133]

**Tramways Provisional Orders Confirmation Bill [H.L.] (The Lord President)**

l. Committee \* May 26 (No. 92)

Report \* May 27

Read 3<sup>a</sup> \* June 9c. Read 1<sup>o</sup> \* June 12 [Bill 192]Read 2<sup>o</sup> \* June 16

Committee \* ; Report June 19

Referred to a Select Committee June 23

Report \* June 27

Re-comm. \* July 3 [Bill 218]

**Transit of Venus in 1874**

Question, Sir David Wedderburn ; Answer, Mr. Goschen June 19, 1171

**TRELAWNY, Sir J. G. S., Cornwall, E.**

Contagious Diseases Acts Repeal, 2R. 227, 265

**TRENCH, Hon. Major W. Le Poer, Galway**

Army—Indian Officers—Siege of Lucknow, 1417

India—Scientific Corps, Officers of the, 270, 271, 384

Ireland—Drainage of Land, 1498, 1559

Ireland—Civil Servants, Res. 1827

**TREVELYAN, Mr. G. O., Hawick, &c.**

Conveyancing (Scotland), Comm. Ed. 41, Amendt. 511

Parliamentary Elections (Expenses), 2R. 1123

**Turkey—Alleged Outbreak of Moslem Fanaticism in Bosnia**

Question, Mr. A. Johnston ; Answer, Viscount Enfield July 4, 1786

**Turkey and Greece—Brigandage**

Question, Mr. Ion Hamilton ; Answer, Viscount Enfield July 8, 1740

**Turnpike Acts Continuance, &c. Bill**

(Mr. Herbert, Mr. Stansfeld)

c. Ordered \* June 18 [Bill 199]

Read 1<sup>o</sup> \* June 19Moved, "That the Bill be now read 2<sup>o</sup> \* July 1,

1842 ; Moved, "That the debate be now

adjourned" (Mr. Robert Fowler) ; Question

put ; A. 142 ; N. 218 ; M. 76

Original Question put, and agreed to ; Bill

read 2<sup>o</sup>.

Order for Committee read ; Moved, "That it be an Instruction to the Committee to make provision for rendering compulsory in England and Wales the Highway Acts 1862 and 1864" (Lord George Cavendish) July 3, 1756 ; after short debate, Moved, "That the Debate be now adjourned" (Colonel Barttelot) ; Debate adjourned

**Ulster Tenant Right Bill**

(Mr. Butt, Mr. Callan, Mr. P. J. Smyth)

c. Ordered ; read 1<sup>o</sup> \* July 7 [Bill 225]**Union Rating (Ireland) Bill**

Question, Mr. Bruen ; Answer, Mr. McMahon July 2, 1711

**United States—North America—Alaska Boundary—San Juan Water Boundary**

Questions, Observations, The Earl of Lauderdale ; Reply, Earl Granville June 19, 1157

**Universities, The—College Statutes, Alteration of**

Question, The Marquess of Salisbury ; Answer, The Marquess of Ripon ; short debate thereon May 18, 10

**University Tests (Dublin) (No. 3) Bill**

(The Lord Cairns)

l. Read 3<sup>a</sup> \* May 16 (No. 103)

Royal Assent May 28 [36 Vict. c. 21]

*Vaccination Act (1871) — Bridgewater Board of Guardians*  
Question, Sir Michael Hicks-Beach; Answer, Mr. Hibbert June 17, 1868

**Vagrants Law Amendment Bill**

(*The Earl of Faversham*)

L. Committee May 26, 1868 (No. 98)  
Report \* June 16 (No. 130)  
Read & \* June 19  
Royal Assent July 7. [86 & 37 *Vis. & 88*]

**Valuation Bill**

(Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert)

a. Bill read 2<sup>d</sup>, after short debate May 22, 1868  
[Bill 147]

**VANCE, Mr. J., Armagh City**

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**VERNEY, Sir H., Buckingham Bo.**

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**VIVIAN, Mr. A. P., Cornwall, W.**

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**VIVIAN, Mr. H. Hussey, Glamorganshire**

Rating (Liability and Value), Comm. cl. 3, 1074, 1078, 1079; add. cl. Amendt. 1434

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**WHALLEY, Mr. G. H., *Peterborough***

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**WHARTON, Mr. J. L., *Durham***

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**YOUNG, Mr. A. W., *Helston***

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**ERRATUM.**

In page 110, line 29 from top, for "decreased," read "increased."

END OF VOLUME CCXVI., AND THIRD VOLUME OF  
SESSION 1873.

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